

THE NEW REPUBLIC



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T.R.B.

from
Washington

Legislative Boxscore

★ Republicans call the session of Congress ending this week an Administration failure; Democrats call it a Kennedy triumph. In between these predictable judgments there are a score of opinions representing shades of gray between black and white, all more or less justified. If one expected another 100 days of legislative revolution, the session was disappointing. If one expected a blockade of all liberal causes by the old Republican-Southern Democratic coalition, one was agreeably surprised. Mr. Kennedy got everything he asked for in the area of armaments and military manpower and in the related field of space exploration, including authority to shoot for the moon by 1970. Nikita Khrushchev and Fidel Castro can be credited with these successes. The Communists and their friends made Congressional response to requests for defense and space appropriations semi-automatic even though compliance unbalanced the current budget by a minimum of \$5 billion.

The President will have done remarkably well on foreign aid if, in its closing days, Congress settles differences between the Senate and House Appropriation bills by compromise in the neighborhood of \$4 billion. The Alliance for Progress concept for Latin America, which was approved earlier in the session, breaks new ground and is promising. Congress boggled at the Administration plan to borrow funds for long-range commitments from the Treasury but approved the long-range planning idea.

It is the record on purely domestic legislation that is ambiguous and subject to debate. By adding to the mem-

bership of the House Rules Committee, Administration leaders in Congress moved Chairman Howard Smith out of the way of progress but not far enough out to send the President's aid-to-education bill to the floor. But perhaps this would have done no good. The compromise bill finally put to a vote was badly beaten on the floor. Monday-morning quarterbacks said this might have been avoided had Secretary Abe Ribicoff stood his ground more firmly. This is questionable. The Catholic hierarchy had already taken its position and it is doubtful whether any maneuver could have overcome this opposition, added as it was to Southern and Northern Republican objections to Federal intervention. A two-year extension of present limited school subsidies near the close of the session probably made revival of extensive aid impossible until after the '62 elections.

This was the most spectacular of the Administration's failures. It managed to increase minimum wages to \$1.25 an hour by excluding from coverage some of the workers who needed this protection most - notably in laundries. It bought votes with comparable compromises to put through bills for urban renewal; extension of social security coverage, including men who retire at the age of 62, extension of unemployment insurance; and public works, particularly Federal highways. But it abandoned old age medical care and tax reform and made no effort to revise Senate rules or to get new civil rights legislation. It must be credited nevertheless with enactment of some 25 major pieces of legislation.

Trouble in the House

★ As the session progressed Kennedy and his Congressional liaison team held their influence well in the Senate but lost ground in the House, where it is bound to have even worse troubles at the next session. The explanation seems to be that the House has become, partly because of malapportionment, the stronghold of small-town and rural America whereas the Senate is responding more to pressures from urban centers, which have grown so fast that they tend to dominate statewide elections. Whatever the reason, it is true that Senator Harry Byrd and

his ilk have lost power in the Senate whereas Rep. Otto Passman and his kind have gained it in the House.

If Kennedy made a big tactical error in his handling of Congress, it was his failure to keep his domestic program tightly tied to his foreign policies. He seemed to forget that his campaign promise to "get the country moving" was always associated with the necessity of beating the Soviets in economic and social progress in order to win the Cold War. It was the Cold-War imperative that justified unbalancing the budget and throwing everything America had into the conflict. But this concept tended to get lost when the Soviet menace was posed in military terms after the Vienna conference. Kennedy himself seemed to fall in with the idea that money spent on military preparedness would have to be saved elsewhere. He even hobbled himself by promising a balanced budget for next year.

Ike's Dislikes

★ The Washington-Gettysburg axis is broken. Always brittle, it nevertheless lasted through the first six months of the Kennedy Administration. There were many friendly exchanges between the White House and the farm house. Administration spokesmen made a point of refusing to blame their troubles on their predecessors. Republican leaders in Congress, taking their cue from Ike, did a minimum of gloating over Cuba and Laos. But Ike's speech at a fund-raising dinner for Senator Everett Dirksen in Chicago terminated the truce. Ike accused President Kennedy of "indecision and uncertainty" in foreign affairs and of a wide variety of misdeeds at home. Kennedy counter-attacked in an exclusive interview with *New York Post* columnist James Wechsler. Wechsler characterized Ike's Chicago speech as "vulgar" and left no doubt that the President resented it deeply and henceforth would regard the Republicans as the enemy within rather than merely as the loyal opposition. . . . The President has a candidate for Allen Dulles' CIA job. Having failed to persuade Fowler Hamilton to take it, he's trying to do better with another prospect. Hamilton was quickly confirmed by the Senate meanwhile as the new Foreign Aid Chief.

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The UN and Africa

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In the last two years of his life, Dag Hammarskjöld had labored not only to shield the UN from its detractors, but to tame the African tiger. The Congo has shown the magnitude of that venture. For here the world organization was called upon to do something for which it was poorly equipped and for which there was no precedent - to keep a new nation from falling apart, a nation half the size of the United States and beset by tribal and personal rivalries, by the determination of powerful Western investors not to be deprived of their property, by whites anxious to stem the tide of black nationalism, by a poverty of native administrative and technical personnel, and by intrigue from East and West. The central government of the Republic of the Congo - an uneasy coalition under the leadership of Cyrille Adoula - sent an SOS to the United Nations, and the UN responded. But the response has not yet brought order out of chaos, for the UN has not yet been able to persuade the dissident province of Katanga to join the central government, and until there is peace between Katanga and the government of Adoula there will be no peace. No Gallup poll is available to tell us whether the people of Katanga wish to be independent of the rest of the Congo or not; Katanga itself is divided by tribal animosities. Moreover, there is bitter disagreement about what the UN mission is intended to accomplish. If the UN military force is in the Congo to act "in consultation with" the central government, is it to do whatever the central government orders it to do? Is it there to help the central government conquer Katanga by force? If that is its mandate, then serious questions arise about the legality of the UN's role, as well as its prudence. Or, is the UN present only to keep the peace - that is, to *prevent* the central government from fighting Tshombe. In that event, it would in effect be supporting Tshombe. Or is the UN force to follow a policy of noninterference? If that is so, it is not clear why it is there at all.

As a practical matter, it is there because a wide consensus in the world community thinks that it is in the common interest to have a unified Congo, and therefore that pressure must be applied to compel the exodus from Katanga of mercenaries on whom Tshombe relies. The UN's objective thus becomes peaceful capitulation by Katanga, so that the nation becomes a nation.

That being so, the dispute over the propriety or legality of the UN role in the Congo is subordinate to two facts. The first is that



Uncle Tshombe's Cabin

the nationalist spirit within the politically conscious Congolese elite will in the long run probably prove irresistible; and the second is that Western economic interests, primarily Belgian, laid the ground work for the secession of Katanga, believing it was to their advantage to encourage Mr. Tshombe in his defiance of the central government. In this defiance, Tshombe has the support of many whites in the Union of South Africa and in Rhodesia, but he likewise has the fierce opposition of most of the leaders of other African states.

Having unsuccessfully ventured to engage the troops of Katanga and force a capitulation, UN forces have withdrawn. We now have an uneasy and intermittent cease-fire. This, however, is merely an interlude before the next stage in the drive of the central government, with UN blessing and help, to remove the mercenaries in the Katanga Army and force a compromise that would end partition. Within the past week UN forces have had put at their disposal or have had promised, transport planes and crews from the US Air Force and jets and other equipment from other states – all channeled through the UN. The decision by the US to throw in its lot with Adoula is still the subject of hot debate. Yet it is unlikely to be reversed, for there is no other option but the one that has been taken – to collaborate with and hopefully influence the “wave of the future”

in Africa – that is, of nationalism and anti-colonialism.

Those who say that the UN intervention is illegal, must answer the question of who is to judge, apart from the members of the UN themselves, what the UN may or may not do. Thus far, neither the Security Council nor the Assembly nor even a significant minority of nations in either body has questioned the legality of what the UN has done. The UN operation derives from a fairly precise Security Council directive of July 21, 1961, authorizing the Secretary-General to use force if necessary in the last resort to prevent civil war in the Congo. And though comparisons with, say, the “secession” of our Southern states a century ago are complicated by the fact that the ink is barely dry on the political compacts holding together the Leopoldville regime, the “secession” of Katanga is still, strictly speaking, “civil war.” The most telling argument against the intervention is that by engaging itself militarily in the internal affairs of the Congo the world organization sets a precedent which may reduce its future acceptability to contending parties in internal disputes who may fear the use of UN force at their expense. But it may be replied that the fear of what might happen in the future provides no practical remedy for what needs to be done. Indeed, the argument as to precedent cuts both ways. Precedents need to be established on the basis of which the UN can create the machinery for policing the peace. Finally, it should be recognized that much of the opposition to the UN role in the Congo comes from those who cannot stomach Adoula (and his ties with Gizenga) but find Tshombe digestible.

But if the Congo is perhaps the greatest test to date of the UN's capacity to take a creative part in bringing order out of disorder, it has also revealed how much the future of the world organization is tied to that of Africa. The African members represent the largest single block of nations, and their power is therefore considerable. Like no other group, they need the organization because their numbers make their strength, and because they would have no foreign policy outside of it. Who would listen to Ghana or to Guinea if the United Nations did not exist? No other single group could be more interested in preserving an organization which is their sole shield against the Great Powers and the principal vehicle for the expression of their newly-found personality.

At the same time, it was inevitable that they would not measure up to their responsibilities. Most of the new African leaders are provincial in their view of world problems. They are rash, impatient, inconsiderate of other people's attitudes and ideals and not conversant with the complexities of diplomacy and of the long, painful processes leading to compromises. As a consequence, we are seeing that these very countries which need the United Nations most are among those who threaten the organization most. It was precisely

this contradiction that Dag Hammarskjöld had tried to help resolve. If the UN were to abide by a strict interpretation of the Charter, the impasse over Mr. Hammarskjöld's successor would be removed by a unanimous decision in the Security Council on the man who is to replace him. But given the Soviet insistence on abolishing the post of Secretary-General and creating a "troika," it may not be possible for some time to find a Constitutional solution; it may, as Secretary of State Rusk said the other day, be necessary to find a temporary compromise, which, being extra-Constitutional, could only function because it proves to be politically viable. The Assembly, in order that the UN shall continue in operation, could take the matter in its own hands. The UN has made decisions of this kind before: for example, when it requested the first Secretary-General, Trygve Lie, to stay on for another two years when his first term expired; or when it decided on the "united for peace" procedure at the time of Korea to circumvent a stalemate in the Security Council.

Given, however, the desire of the smaller nations not to offend the Great Powers (especially the Soviet Union), it may turn out that a solution that is politically viable cannot be taken that runs counter to Moscow's wishes. If this proves to be the case; if, in effect, the smaller nations permit a Soviet veto of the UN itself by permitting the decision on Hammarskjöld's successor to drag on indefinitely, it will be the beginning of the end of the UN. Eastern European sources are hinting that the formula proposed by India, Ghana and the United Arab Republic for the creation of three Deputy Secretaries-General from three different regional areas might prove acceptable to the Soviet Union. It may be so, for the Russians realize that the "troika" principle could not be adopted without a revision of the Charter. They may also realize that if the Charter is revised, the small powers may insist on abolishing the veto in the Council. Thus, there is some reason to hope the present organizational paralysis will end. If it does not, no one will have lost more than the African nations.

The President's Address

The somber mood of the President was reflected in the response of the delegates to the UN General Assembly last Monday. There was no great emotional upsurge during his speech, for the anxieties of the moment do not permit that release; all know that jockeying for position in the Cold War will continue; and Mr. Kennedy's proposals and manner were calculated to evoke contemplation rather than cheers. It was a responsible performance, blending firmness with flexibility.

On Berlin, the US position is now seen to be anything but intransigent. So long as the freedom of West Berlin and its access to the West are assured, this country is

willing to consider a variety of new arrangements for stabilizing power relationships in Central Europe, "while recognizing the historic and legitimate interest of others in assuring European security." The President's embrace of total, general, policed disarmament, carried out in specified stages, evidences a continuing faith by this Administration in the potentialities of the world organization. His call for immediate agreement to ban further nuclear tests in the atmosphere, as well as his plea to keep intact the powers of the Secretary-General ("even the three horses of the troika did not have three different drivers") will probably command the consent of a majority of the Assembly. And his gestures of respect for the sensitivities of the anti-colonialist non-aligned may at least give those nations some hope that their efforts may be of some avail in the power struggles that lie ahead.

Civil Rights Report

It is a pity that in issuing a first portion of its Report for 1961, the Civil Rights Commission saw fit to emphasize heavily a rather simplistic recommendation for a federal statute outlawing all standards of qualification to vote other than age, residence and a record clear of felony convictions. As a result, newspaper stories concentrated just about exclusively on this recommendation, which is not only "controversial" (and thus newsworthy), but quite probably unwise. There are in many states, as two dissenting Commissioners pointed out, quite a few standards of disqualification, having nothing to do with race, which are rational and whose end is the "security and purity of the ballot." There is no call to throw these out. Negroes are discriminatorily deprived of the vote by the application of arbitrarily irrational standards, or by blatantly unfair methods of application which are possible under any standard. Many of the arbitrary standards deal with literacy. They are subject to attack by litigation, but another and very proper recommendation of the Commission, unanimously agreed to, is that the Civil Rights Acts of 1957 and 1960 be strengthened by making a sixth grade education sufficient proof of literacy.

The unfortunate thing about the Commission's own emphasis on its controversial recommendation is that it put in the shadow the rest of its Report, which is a brilliant and immensely significant document. The heart of it is one of those truths of which we all think we have been aware all along, except that we weren't really until it was plainly stated and substantiated. The Black Belt in the rural South, which is where the Negro's civil rights are not being abridged, but where, rather, he has none, is an underdeveloped area, quite like those we hear so much of elsewhere. None of the many recent advances in civil rights, from the earliest

to the latest, with the single exception of the formal abolition of slavery, has had an appreciable impact here. And that is because the problem is not yet in its essence political or moral; it is fundamentally economic. Here the federal school aid bill, which failed, and programs for the development of what is now a sick one-crop economy, which are effectively non-existent, are much more important than the Civil Rights Acts of 1957 and 1960. What is needed is that the Administration negotiate an Alliance for Progress with the Black Belt. And what the country needs is the sort of education in the obvious, as Holmes called it, that the Commission has so ably provided – but hid under a bushel.

Persnickety Taste

More than 500 million people live on protein-deficient diets, so they do not grow to normal size. Their injuries heal slowly and leave more extensive scars; their bodies do not produce enough of the hormones and enzymes needed to keep them healthy; they look sickly; their systems are deficient in the production of the antibodies normally needed to fight off bacterial invasion. And these sub-acute but chronic ailments have psychological consequences. Debility becomes laziness, and the stupor induced by this particular form of starvation masks and finally extinguishes intelligence.

The cure is breathtakingly simple: approximately one ounce of concentrated protein from animal sources – meat, milk or fish – taken daily. US and UN relief agencies have depended on powdered skim milk to cope with such protein deficiencies. But in recent years, the American housewife has discovered the usefulness of this product and our groceries and supermarkets now stock it under a variety of national brand labels: In the past decade and a half, domestic consumption of powdered skim milk has risen sixfold. At the same time the rapid consolidation of US dairy farming in larger units has led to a closer control of output, so that more of this output is consumed as whole milk and less, relatively, in the inexpensive form of by-products. The only other cheap sources of animal proteins that are still widely available are fish products.

Recent researches have shown that a dried whole-fish flour can be produced from practically any variety or size of fish, which is fatless, tasteless, odorless, and can be shipped without refrigeration or other special handling. It can be mixed in nutritionally adequate amounts with starchy or other vegetable foods without altering their flavor. Fish flour is now being manufactured for human consumption in Norway, France, Germany, Canada, the Union of South Africa and Peru.

A few weeks ago a small producer in Illinois petitioned the Food and Drug Administration to approve

the sale of such whole-fish meal for human consumption in the United States. The petition was filed by the minority counsel of the Senate Select Committee on Small Business with a written statement that it was supported by Senators Saltonstall and Smith of Massachusetts, by Rep. Hastings Keith, also of Massachusetts, and by Sen. Paul H. Douglas of Illinois. Since then Secretary Udall of the Department of the Interior and George McGovern, the Food for Peace Director, have joined the sponsoring group. What they say, as the petition puts it, is that "the United States now has the raw material and the know-how to lead the world to ultimate victory over its most ancient enemy – hunger." How? By using more whole-fish meal.

Senator Douglas has moved to the forefront as the legislative champion of the cause – but he has encountered a stubborn opponent in Commissioner George P. Larrick of the Food and Drug Administration. The Commissioner insists that fish flour, which is made by dehydrating and grinding up whole fish, including heads, eyeballs, scales and intestines, cannot be approved for human consumption.

Senator Douglas tried to convert the Commissioner by inviting him to a lunch consisting of some foods prepared with fish flour. Mr. Larrick was so anxious to avoid compromising himself or his agency on this occasion, however, that he spurned each course upon learning that the suspect foodstuff was mixed up in it. The result was that he went hungry until the chicken à la king came along, and when informed that this too was garnished with a sauce compounded of fish flour he abruptly abandoned the effort to break bread (rolls, made of fish flour) and left.

The Commissioner feels that no matter how the facts may be manipulated, whole-fish flour does contain the intestines of the little or otherwise inedible fish that have been ground up to make it; and in those intestines there is bound to be some fecal matter, and decades of courtroom battles have established that the physical presence of such wastes is evidence of contamination, in the meaning of the statutes. Consequently, the Food and Drug Administration cannot approve its sale for human use. There is, however, another fact so far unmentioned – but which is sure to be brought up when the hearings on this controversy are scheduled, probably next December. Americans continue to consume tens of thousands of tons of California pilchards and the smaller types of sardines packed in Maine, Norway, Denmark, Portugal, Morocco and France, not to speak of anchovies from Italy and elsewhere, all processed and packed with their intestines intact. Does the doughty Commissioner object to fish flour merely because it is a novelty? If the legal point he makes rests on such a shaky foundation, this aspect of Food and Drug regulation had better be quickly re-examined.

Clear Channel Decision

Seldom during the past 15 years has the Federal Communications Commission been criticized for a bad decision: the bulk of criticism has been directed at the Commission's refusal to decide anything, good or bad, for fear of offending some influential parties in the broadcasting industry, and therefore in Congress which is unusually responsive to industry preferences. (There are those in both House and Senate who have never accepted the fact the FCC was set up by Congress as an independent regulatory agency.) The appointment of Newton Minow to the Commission Chairmanship augured, especially after his "Wastelands" speech, for an end to this decade-and-a-half of fence-sitting. Last week came two most positive indications that this hope has not been without justification.

Speaking to executives of the three TV networks Mr. Minow proposed that each network provide two one-hour programs for children each week, around 5 p.m.; "It's time you creative television professionals lit a few million candles so that you could take our children out of the darkness." That so modest a request could seem so daring shows how barren TV-land is.

Also, after exhausting every conceivable tactic for delay to avoid taking a stand on a matter on its docket for over 16 years, the Commission finally issued its ruling in the Clear Channel Case. And it acted within a week of a virtual order from the House Commerce Committee to delay its announcement still further. The merits of the decision itself (which was that 13 of the 25 AM radio channels now allotted to one high-power station exclusively, would soon have a second tenant), can be argued either way. What is of import, is that this up-to-now only nominally independent regulatory body has served notice that it intends to act in a manner consistent with the legislation which created it — in the public interest.

White House Turnabout

With the selection of Fowler Hamilton as director of the newly-created Agency for International Development, the future of the foreign aid program now depends in large measure on the quality of the second echelon appointments. For unlike the President's intended nominee, George D. Woods, whose name was withdrawn at his own request when certain public power state Senators threatened to raise a row over his association with the Dixon-Yates affair, Mr. Hamilton brings to his assignment no particular special knowledge of the aid-receiving countries or of the past decade of aimless fumbles in the evolution of our aid efforts. He will necessarily play more the role of gen-

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eral administrative coordinator than of self-starting policy maker. And if the agency is to improve its performance, he will have to give such power of decision as he does choose to delegate to men who are creative area experts quite as much as bureaucratic managers.

A 50-year-old former Rhodes Scholar who served with the Foreign Economic Administration during the war, Mr. Hamilton has a reputation among fellow lawyers (he is a former law partner of Undersecretary of State George Ball) for sharp analysis uncluttered by doctrinaire preconceptions. This is the quality of mind needed in confronting societies and economies alien in many significant respects to the American model. He is said to harbor none of the antipathy, so in evidence during the Eisenhower years, to publicly-sponsored development abroad. But he is an unknown on how much our aid should be used to promote American private investment and on other highly-sensitive issues.

Mr. Hamilton had been approached in early August to succeed Allen Dulles as CIA Director. The appointment seemed certain. His name was dropped, however, when he balked at White House suggestions that he agree to serve at least six years. His selection for this new assignment came in a flash of improvisation, one day before it was publicly announced. It was a rush job to end the harmful uncertainty following the protracted controversy over Woods. Of that episode, it must be said that the easy surrender of the White House to the bullying of a few Senators, after months of careful investigation leading up to the Woods decision, did nothing to strengthen the Administration's authority in the Congress.

Myth of the Snobs

That esteemed contemporary, the *Saturday Evening Post*, has been spending a mint of money lately, proclaiming that it has a new look. Which indeed it has, and if one old sourpuss described it as the look of an explosion in Macy's lingerie department, that may be just proof of his lack of esthetic appreciation. But when one arrives at the editorial page, now relegated to the position of the caboose, the very old look comes back.

For with the school bells ringing in the cool September morn to announce a new academic year the *Post* is found earnestly assuring the younger generation that flunking out of college need not mean the end of the world, for many eminent persons—it cites Danny Kaye, Norman Rockwell, Moss Hart and Eleanor Roosevelt—have never received the degree of *Artium Baccalaureus*, yet have not pined away.

It is not the truth of this that is questionable, but its utility. Back in the dear, dead days when magazines had the old look that enabled one to distinguish at a glance between an article and an advertisement, there may have been a real need for the public journals to offer consolation to scholastics fallen by the wayside; but that it serves any good purpose now is questionable.

There is no question that employers with good jobs to offer do today look for college graduates; but it is questionable that they regard the diploma as a certificate of merit. It indicates, rather, lack of any conspicuous demerit. With things, both academic and economic, made as soft for the student as they are now, employers know that all second-raters and most third-raters can secure a degree of some sort, and a good many fourth-raters scramble through. Hence lack of any degree at all definitely suggests a fifth-rater whom it would be expensive to employ at any price.

Exceptions are those students, a minority of the flunked, who got the old heave-ho because during their freshman year they never opened a book and rarely attended a lecture. But these usually have some sense knocked into them by the jolt of failing; later they return, or go to another college, and do work enough to pass. Then there are the criminals who put the cow in the belfry or seduce a faculty wife, and they, too, may be persons of real intellectual capacity.

But the overwhelming majority of the failed are simply dumb clucks who lack the mental capacity to absorb advanced education. They should never go to

college and to permit them to enter is not only to take their money under false pretenses but to subject them to a painful ordeal ending in humiliation.

The boy whose capacity for formal schooling is exhausted at the age of fourteen or fifteen faces several years of intense boredom before he can undertake work that interests him even faintly. If sheer boredom drives him into juvenile delinquency, what wonder? There is, in fact, more hope for a hellion than for a boy who can endure tedium complacently.

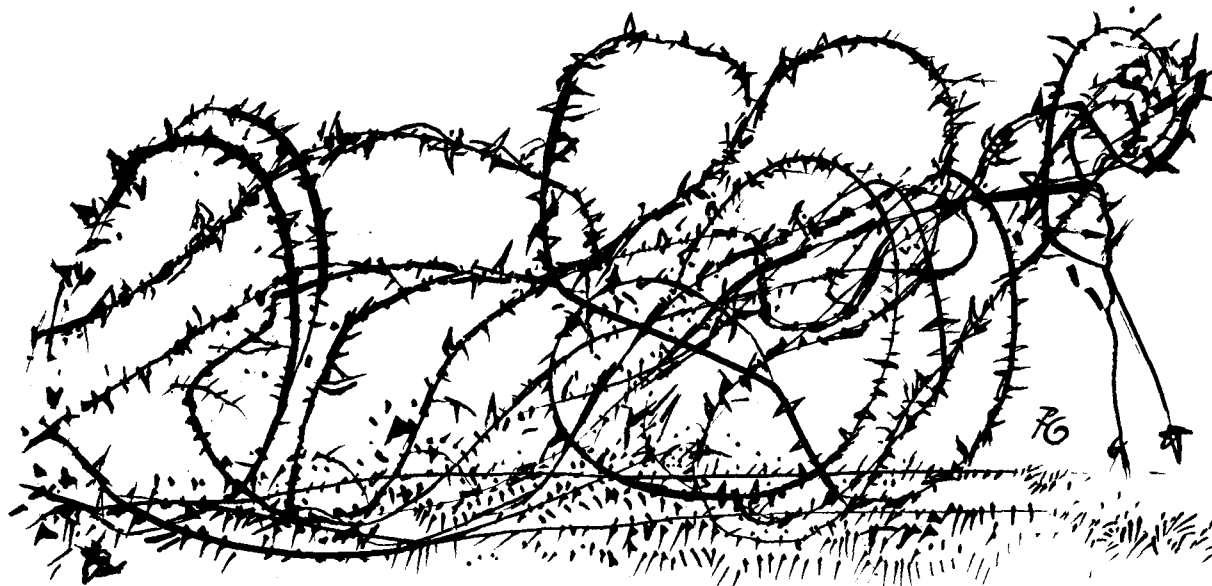
This condition arises, at least in part, from the fatuity of an educational and social system that will not admit the existence of the uneducable. Our pedagogues have unwarrantably assumed that their art is able to cope with all human problems; and like all claimants to omnipotence, they have ridden to a fall. The worst of it is that the penalty of this *hubris* falls, not on them, but on that part of the rising generation whose minds are not adjustable to the only kind of education that our schoolmasters have had the wit to devise.

So they are herded by thousands into the halls of Academe, there to be tortured for a season and then ejected with the brand of failure, all to no apparent purpose. The economic waste is prodigious. They clog the channels of learning, retard the progress of the intellectually capable, and exhaust the energy of the teaching personnel.

Yet the average citizen should stay his hand ere he casts the first stone at the pedagogues. They could prevent this, for they have tests that would eliminate the unfit, were they permitted to apply them. But it is said to be undemocratic for a state-supported college to deny admission to the son of any free-born American. It is undemocratic to admit that there exists a real difference between the young Simple Simon and the young John Stuart Mill, although at fourteen one was still counting on his fingers and the other was a competent classical scholar.

So we go on, perpetuating the annual waste of prodigious fortunes, plus a human waste that makes the money loss pale into insignificance. So magazines with a new look insist upon the old humbug that intellectual superiority is not a reality, but a myth contrived by snobs. And so we invite the trouble that inevitably falls upon people who insist on believing in the efficacy of stuffed warlocks and pasteboard dragons.

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BEFORE WE ARE DRIVEN to take refuge in concrete-lined holes, we should feel obliged to find out how the storm over Berlin arose, what it endangers and what might be done to head off threatened destruction. The articles that follow are addressed primarily to two questions: what can the West do to preserve peace; what can be done to assure a tolerable future for the free citizens of West Berlin? We begin with a commonplace: The lines of communication between the West and Berlin must remain open; for if they are closed the "way of life" of West Berlin will also come to a close – if not right away, then later. And what then? As several contributors to this issue remind us, it is simply that it would be dishonorable for the West to abandon West Berlin to isolation, subversion and ultimate take-over by Communist East Germany. It is betrayal of trust, but there would be worse to come. The West is committed to keep access open because otherwise a chain reaction of disillusionment will be set in motion. If the lines are broken, the first casualty will be the confidence of West Berlin in its own future as a free community. Thereafter, the economic vitality of the city will diminish; whatever hopes there may be for eventual German reunification by peaceful means will languish; and the confidence not only of West Berliners but of West Europeans and others in their capacity to withstand aggressive attack from without, or Communist intrigue from within, will be perhaps irredeemably undermined.

But will the Soviet signing of a peace treaty with East Germany and the subsequent claim of East Germany that it has the authority to control traffic in and out of Berlin necessarily mean the isolation of West Berlin? That could be the result, but it is not inevitable. The

presence of Soviet officials on East German borders is not of itself a prerequisite to unimpeded access. Indeed, it is often forgotten to what extent traffic to that city is policed today by East Germans. Civilian traffic to West Berlin across the territory of the DDR has long been controlled by East German officials. Civilians traveling by motor vehicle or train are checked in at the East German/West German border and checked out at the other end by East Germans. Upon entering the Western zone of Berlin, they are normally checked again by West German guards. Like other border officials, East German police now have the right to inspect vehicles and luggage and to refuse entrance to any undesirable person, even if the exclusive reason for requesting entrance is transit to West Berlin. There is no precise definition of what constitutes "civilian traffic"; but whatever it is, it goes through. Neither is there any clear distinction between transit rights of West Germans and those of non-Germans, although in reality a citizen of West Germany can generally gain clearance simply by presenting an identification card.

Those who fly from West Germany to the two main airports of West Berlin, whether civilian or military, are not obliged to have any contact whatever with either East German or Soviet officials – provided the flights are made in the regular manner within the three designated air corridors open to Western traffic. Soviet personnel do check on transit for military personnel and supplies across the "Soviet zone." Military transport trains are generally inspected and sealed upon entering East German territory and remain so throughout the duration of the trip. And in the same way, Allied military personnel, as distinct from West Berlin police, handle all matters of Soviet entry or access to West Berlin. Should Mr. Khrushchev choose, as he says he will, to turn over to a "sovereign" East German Government the authority heretofore held by Russians to supervise allied military traffic en route to or from Berlin, we will face a new situation. But the test of whether that new situation is acceptable will depend not on who the supervising officials are, but on how they behave, whether they are cooperative or obstructive. They cannot be ignored; but the effect of their presence cannot be foretold in advance.

How access is to be preserved, what devices will have to be invented to maintain it, will then become a subject of negotiation. The requirement of access should not be an item for negotiation.

Beyond the status of Berlin and the routes to that city, however, there is a wide range of problems, most of them left over from the war in which the US and the USSR were allies and all relating to the relationships among states in Central Europe and the effect of those relationships on the security interests of the USSR and the Western powers. No short- or long-range aim of the democratic nations is served by acting

as if nothing could be better than preserving the *status quo* in Central Europe. This is perhaps the central point that is made by Gerald Freund in his article. For what we call the *status quo* won't stay put. Still, we are not so bereft of foresight that we cannot invent means for turning change to our advantage. Change is not synonymous with the advance of Communism, any more than negotiations – about frontiers, or about how Berlin is to be governed, or about the disposition of military forces in Central Europe – is synonymous with appeasement, though some columnists say otherwise.

If, of course, one has decided that no accommodation with the USSR that is in our mutual interest is conceivable then one is forced to give way, finally, to despair – for if that is true, there *are* no alternatives but war or surrender. Realism, however, rejects any such resignation. If we distinguish the essential from the non-essential in the current dispute over Berlin, we can begin to reassess whether our continued denial of East European boundary lines that have been firm since the end of World War II is vital to our security. We can estimate more accurately how much we gain and lose by supporting Western espionage operations at their same level in West Berlin. We can ask what good it does to demand that the Soviet Union not sign a treaty with the East German regime, knowing we can do nothing to prevent it. We can consider whether having 2,000 as against 1,000 US troops in West Berlin makes much difference, and whether it might be useful to broaden the military presence in Berlin. And we can ask if our security is likely to be enhanced by placing nuclear weapons in the hands of West Germans.

West Berlin is a "bone in the throat" of Mr. Khrushchev; but it is also a bone in the throat of the world. He would prefer to remove it by cutting it out of the West. That is unacceptable. The writers who contribute to this issue are not all of one mind, but they appear to be unanimous on this point. If the Russians intend to conduct themselves toward Berlin as savagely as their puppet Mr. Ulbricht seems to recommend, the West may be allowed no alternative but war, and the editors of *The New Republic* believe that there may be wars which have to be fought even in the nuclear age. But the likelihood of a general war over Berlin seems to us to be receding. It will recede further as both sides show a willingness to resolve differences in a manner that brings defeat to none. Still, in both countries there are those who are far from willing. Some militant Communists and some ostentatiously "tough-minded" American anti-Communists are alike in one respect: they itch to man the barricades; they are sure they can prophesy the future; to both the contest is an inevitable struggle between Right and Wrong for dominance; and history, each is sure, will not vindicate the patient or compassionate – it will be the captive of he who *wills* to possess it. And to possess is all.

The people are on the lookout for men fit to be followed, and those who aspire to leadership are always trying to recommend themselves for the function. What, then, are the qualities which fix the attention and win the favor of the people? Two are of especial value. One is Initiative. Leadership consists above all things in the faculty of going before others instead of following after others; that is to say it is promptitude in seeing the next step to be taken and courage in taking it. It is the courage which does not merely stand firm to resist an approaching foe but heads the charge against him. Nothing so much disposes men to follow as the swift resolution of one who is ready to take risks, the courage which makes one captain take his ship out from a lee-shore, under full steam, against a hurricane, while other captains are hesitating and trying to calculate the danger. The other quality is the power to comprehend exactly the forces that affect the mind of the people and to discern what they desire and will support. These two gifts are precious because they are rare.

— JAMES BRYCE, *Modern Democracies*

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The Testing of Kennedy

by Sidney Hyman

Despite the pressures of the Berlin crisis, Mr. Kennedy has not materially changed the decision-making mechanism he brought to the Presidency on Inaugural Day. Some advisers reportedly have risen in influence, others have been dropped a rung. His meetings with the full Cabinet and with the National Security Council have come at more closely spaced intervals than in the early months of his Administration. Yet none of this means what some observers have said it does — namely, that under the goad of crisis, Mr. Kennedy has yielded to the Cabinet the Executive's right of decision, or has embraced the Eisenhower model of management through a chain of command.

As in the beginning of Kennedy's term, so now in the Berlin crisis, multiple conduits carry ideas up to and down from the White House. If anything, there have been recent additions to these conduits: the appointment of Gen. Maxwell Taylor as Military Adviser to the President and the stationing of Gen. Lucius Clay in West Berlin as the President's personal representative. There remains likewise the familiar policy-making mechanism of the "problem-oriented" task force. Where Berlin is concerned, the task force device has taken many shapes and sizes, all leading to a variety of proposals on the broadest or most narrow aspects of

the matter at issue. A partial list of the "task force" men who have been involved in some significant way with the question of Berlin reads like this:

(1) Secretary of State Dean Rusk whose institutional concern is with keeping the peace; (2) Assistant Secretary of State Foy Kohler who works with the "Ambassadorial group" of the NATO powers — a key man in Berlin planning, along with State Department Legal Adviser, Abram Chayes; (3) Special Assistant for National Security Affairs McGeorge Bundy who helps the President get the answers he needs from the "planners"; (4) Gen. Maxwell Taylor who screens and annotates professional military judgments for the President, besides concerning himself specifically with America's power to wage guerrilla war, or war with conventional arms; (5) Assistant Secretary of Defense Paul Nitze whose special concern is with the military aspects of NATO's "contingency planning"; (6) Assistant Secretary of State Charles E. Bohlen whose special concern is the Communist world in general and the Russian slice of it in particular; (7) Special Counsel Theodore Sorensen who as a draftsman of Presidential messages, is in a position to introduce nuances of language that can swiftly become important nuances of policy; (8) Finally, and in a class by themselves, are the

catalytic reports and recommendations that stem from former Secretary of State Dean Acheson.

With these many sources of opinion converging on the President, it is virtually impossible to learn who is saying what, when, and with what effect. And whatever peephole curious journalists had or thought they had on the performance of the Administration's Berlin strategists was blocked off at least four weeks ago. The planning, in the words of one Presidential aide, "went underground." Try to come abreast of what is true or false, and the attempt exhausts itself in the baffling convolutions of a maze where every turn leads to a box, framed by contradictions.

Take two examples, one involving the leaders of the State Department, and the other involving Acheson:

As to the first: It is said that the President has come to rely increasingly on Secretary of State Dean Rusk; for it is he who is carrying out the probing operation with Mr. Gromyko in New York; it is he who brings to the crisis "the low key approach of the Department's professionals" – whatever that means. Yet it is also said that the President is "disgusted" with Mr. Rusk's State Department. Why? Because "the people in State" – the range here is from Charles E. Bohlen and Foy Kohler who are Mr. Rusk's senior advisers, down to the faceless men on "the German desk" – had "bought" the Adenauer line that the "East Germans would never dare close the escape routes to West Berlin." They therefore "gave the President no advance warning of the impending event, let him be taken by surprise when it occurred, with no plan for a counter action that he could immediately draw on."

As to Dean Acheson: It is said that while other men may have a decisive influence over day-to-day tactical moves, Mr. Acheson's arguments have had a paramount influence over the President's long-range strategic views. Mr. Acheson is said to have urged the following: Resist all attempts to be drawn into negotiations with the Soviet Union, since any change affecting Berlin is likely to be for the worse – keep the United Nations away from any involvement in the Berlin matter – order an emergency "mobilization" to show that the US means to fight if Allied rights in Berlin are violated – drive hard for a fallout shelter program as a sign to the Russians that the US is prepared to accept the gauge of nuclear war if the Russians get rough. Yet along with this, it is also said that Mr. Acheson himself has been somewhat "miffed" by his inability to make his own "hard line" stick among "the men around Kennedy" or with the President himself; so miffed that he went off on a "vacation" at the rip-tide phase in the ebb and flow of the Berlin crisis.

Whether rumors of this kind rise from whole truths, half-truths or complete falsehoods, they lose their relevance when placed alongside two facts, one Con-

stitutional, the other human. The Constitutional fact is, that no matter who a President turns to for advice, and no matter whose advice he accepts or rejects, *he* is responsible in the end for the decisions and the consequences of the decisions he personally reaches – or has his subordinates reach in his name. Indeed, it was President Kennedy himself who reaffirmed this Constitutional truth by centering on himself all blame for the Cuban fiasco. The human fact is, that it has been Mr. Kennedy's consistent purpose to keep in his own hands the power to make the organic decisions of his Administration. For this he has been criticized. But in the dry words of Mr. Theodore Sorensen, "The basic criticism is, that the White House is interfering with the Executive branch of the government."

The Experience of Disappointment

To say that Mr. Kennedy's decision-making machinery has not materially changed since his Inaugural Day, is not to say, however, that the Berlin crisis finds the President the same man he was when he entered the White House. Cuba left its scars, and on no person more deeply than on the President himself. And the shocks of the Berlin crisis which seemed on occasion to have caught him by surprise, have torn deeply into such tissue as was growing over old wounds.

Where domestic matters are at issue and the Congress is the forum where they come to a head, a President can more readily reconcile himself to setbacks, to unpleasant compromises or to outright defeats. He has merely to recall that the structural organization of the Congress has an inherent power to subordinate the national interest to state and local interests. But foreign affairs is a different matter. Here, except where issues bear a dollar sign or require the ratification of treaties, Presidents have found their greatest latitude for distinctively personal actions, and their greatest opportunity for policy innovations. It was this field that appeared to interest Mr. Kennedy the most when he was a Senator and in which he seemed particularly talented. He had criticized the Eisenhower Administration for "years of drift, of falling behind, of postponing decisions and crises." He spoke for renewed enterprise in diplomacy, new initiatives.

The final scoring of his performance is for the future to write. But so far, it cannot be said that Mr. Kennedy has to his credit any dramatic successes in foreign policy, unless one includes some tentative victories in the area of foreign aid. He has been dogged by the rotten playing cards handed to him by the outgoing Administration. The mysterious gift of "luck" has been withheld from him. He has not been able to bridge firmly the distance between the generations that separate him from the heads of state of our Western allies.

He has wooed the neutrals with kindly concern and respect, only to find them at Belgrade more concerned with having the goodwill of the Russians, who wooed them with brass knuckles. He has been held in check by the psychic disparity between the American tendency to recoil from the use of force, and the Russian willingness to use it, or at least threaten its use.

Lastly, up to President Kennedy's time, it appeared to be "understood" between the United States and the Soviet Union that it was in their mutual interest to avoid any direct and immediate confrontation where one of the great powers would stand nakedly in opposition to the other. Confrontations, when they occurred, ran their course on secondary planes (as in Indo-China), or were conducted through intermediate agents (as in Laos). But now the dreaded confrontation had come with a rush. Assuming it was bound to come anyway, was there anything Mr. Kennedy could have done to have stayed the day until he had the diplomatic initiative, until he had the nation and the NATO countries better prepared to meet it? Was there anything he did do that led Mr. Khrushchev to speed up his own time schedule and precipitate the issue before Mr. Kennedy had gained a firm grip on the machinery of the US government, on the problems themselves, and on the NATO alliance?

It would be wrong to say that Mr. Kennedy's own conjectures about these questions have turned him into a more cautious man. He was always cautious in his approach to an irrevocable decision, though the decision when taken, could be bold. As a PT boat captain, he had hugged the shore line of concealing coves, carefully surveyed the distant enemy wherever the target was visible – and then at the strategic moment when a dash into the open sea for a close-in attack on the enemy held out the maximum chance for success, there was the go-for-broke gesture.

The effect of foreign policy miscalculations, starting with Cuba, has been to bind him all the more firmly to his habitual caution. His intimates report that he now insists on weighing far more carefully the recommendations he receives from "experts." He insists on making certain that all basic decisions will remain in his hands until he sets them in motion, rather than learn about the motion only after other men, acting in his name, have committed irrevocable acts with which he is subsequently forced to go along.

Changes in the Man

But the great change that has overcome the President, it seems to me, is in the mood of the man. The exultation he felt on Inaugural Day spoke when he shed his coat in the cold before delivering his Address; it was the gesture of a man who, having outwit-

ted fate, shook his fist in its face to announce that he was equal to anything it might hurl at him. Politics had been his life's profession, and now, after having overcome many trials, he had reached the summit; undisputedly, he was the first politician in the land. Since then what?

The exultation has gone out of the man.

"My God," he exclaimed to a visitor at the time of the Cuban affair, "I have tried to surround myself with the best brains in the nation, and if the men I have chosen as my advisers can't help me decide on the right thing to do, where am I to look for help?"

His faith in his own powers of persuasion was shaken by his encounters with men like de Gaulle and Adenauer. His faith in the power of prudence as the ultimate line of defense against Soviet pressures, was shaken when he met Mr. Khrushchev in Vienna, and later watched his performance in the world arena. Mr. Kennedy himself owed at least some of his success in politics to a talent for placing himself in "the other fellow's position" and judging how he would himself react if he were that "other fellow." When he made this mental transposition in Mr. Khrushchev's case, the result was not more understanding but a confounding of it. Every rule of human prudence Mr. Kennedy knew, told him that it was in Khrushchev's self-interest to decompress the Berlin crisis before it reaches the point of no return. Yet here was a man piling pressure on top of pressure.

Many if not all Presidents before Mr. Kennedy have had moments when they wondered why they ever placed such great store on seeking the office. They were heard to say that if the Presidency was struck from their hands, they would not regret it. With exultation gone, with so much else hanging in doubt, something of the attitude other Presidents have intermittently felt, has settled on Mr. Kennedy. He still gives free play to his ironic wit, he somehow still "enjoys" the challenge of the Presidency. But he appears to have acquired a greater sense of peace that comes to a man who accepts the fact that there are finite limits to his powers, the peace of a man who summons up the best of his faculties and hurls them into the dubious battles of his day – though he knows all the while that the result is not entirely of his making.

Mr. Kennedy is reported to be in no way certain what the eventual outcome of the Berlin crisis will be. In Laos, he never felt that there was a "right answer," only a choice between evenly balanced evils. In Cuba, he never really penetrated the air of mystery around the adventure to get a firm grip on its component parts. But on Berlin, he is quite sure that his policy-making machinery is working smoothly; that he has saturated himself in the facts of the problem and is as much on top of it as any man in his position could be; that he

has done and is doing everything humanly possible to forearm himself and the nation; that he is right in refusing to negotiate away Western access to Berlin or the "way of life" of the more than two million West Berliners, and right to consider discussing almost everything else. Indeed, though a number of men around Mr. Kennedy in recent weeks have succumbed to a case of jitters, his intimates say that there was but one time in the intensified phase of the crisis where he himself showed signs of anxiety. This was shortly after he had sent US troops across Communist East Germany to reinforce the American garrison in West Berlin. He was convinced that he had made the right decision in sending the troops, yet in the interval of uncertainty about what would happen to them en route across Communist territory it is said that his anxiety betrayed itself by his sitting for some time in a vacant-eyed way. He was not himself until the word was finally brought that the troops had reached West Berlin without incident. The next critical decision he had to make seemed to come far more easily. The order he gave to resume US underground testing of nuclear weapons was preceded by very little fussing.

Meanwhile, he has been doing what he can to keep under control the emotional elements in the crisis. In the first part of August he warned his lieutenants that the US and its NATO allies were in for a succession of Soviet pin-pricks. The thing to watch out for, was the danger of a "false climax" by going all-out to prepare for a climax that would not occur. The important thing, said he, was not to draw on everything all

at once but always to keep something in reserve.

The orders he gave for a build-up of US strength in conventional arms, fit in with this "low key" concept. The subject was first introduced in a general way in his January 29, 1961, State of the Union Address, followed on that day by his order to increase airlift capacity – and hence the mobility of US ground forces. On March 28 his Defense Message outlined a number of further steps for increasing the US capacity to wage a conventional war. Then on May 25, shortly before leaving for Vienna, he went before the Congress and outlined five recommendations for increasing the nation's defense – all lying in the conventional forces area.

After that, in late summer, the actual call-up of troops that could expand the base for an enlarged conventional style army, got modestly underway. Subsequent call-ups were in rationed blocs, because the Administration didn't want masses of people under arms idling in American camps, while to have sent them to overseas camps would have led to a new spurt in the overseas drain on gold. The whole matter of the call-up required a sense of precise timing so that the moment of maximum peril may coincide with the time of maximum strength.

When the fact is borne in mind that the timing required of the President in the days immediately ahead could involve the end of man's time on earth – if the President's clock is "off" – one can understand his asking not long ago for the nation's "understanding" and "prayers." This is John F. Kennedy's first great test as President. He has no intention of flunking it.

Terms of a Treaty – an Italian View

"... If peace is to be concluded in Europe, it is not between Germany on one hand and her former enemies on the other, but between West and East, since these two blocks and no others have to replace the Cold War with a Cold Peace – one that is founded not on an impossible friendship, but on a reasoned desire to reduce considerably in Europe existing tensions and the danger of war.

The Western Powers should reply to the actions of Mr. Khrushchev with a proposal for a treaty between them on the one hand, and the USSR and her allies on the other. In this treaty the United States and her allies, including the German Federal Republic, should give *de jure*

recognition to the German Democratic Republic and the Germano-Polish frontier. At the same time the USSR and her allies, including the East Germans should recognize that West Berlin is a democratic city protected militarily by the West, and pledged to respect its means of communication with the West. Whether Western Berlin becomes a free city or a part of Western Germany is a matter of little importance – in a certain sense the Western commitment to defend Berlin would be more emphatic if she were a free city. The essential is to bury, along with the old Reich, the idea that Berlin is a capital waiting for her State. . . ."

ALTIERO SPINELLI, in *Il Mulino*

The Sense of Despair

by David Riesman

Our two-party system has among its great risks the fact that, when a bipartisan consensus develops, the view of a majority may attain a virtual unanimity in Congress and in our public policy. Now this has taken place in a society where differences of social class, of region and of ethnic origin are becoming attenuated – even those most devoted to the dogma of states' rights have never in my experience shown the slightest concern with the growing *federal* power to exterminate the planet. (Many who object violently to the fluoridation of local water supplies now urge the resumption of hydrogen bomb tests.) When the mass media were less massive, there was a large isolationist belt in the country, in the Midwest and in the working class, but today there is hardly an American who hasn't heard of Castro and who isn't apt to say to an interviewer that he's "tired" of being pushed around by the Communists.

In fact, a more accurate statement would be to say that he was simply tired, tired of thinking, tired of complexity, tired of trying to grasp a world that has poured in on him all too soon. Merge the quick impatience of the educated with the slow impatience of what Veblen called the "underlying population" and a sense of despair is apt to be the result, whether in the South before the firing on Fort Sumter or in the whole country at present before the closing off of East Berlin from West Berlin. While despair may drive some people into apathy, it tends to drive many Americans to what soldiers in the war termed "flight forward," when out of near paralyzing fear soldiers rush at the enemy "to get it over with."

President Eisenhower had a gift for doing nothing benignly that for a long time moderated this spirit, only to have it break out more fiercely in the last years of his monarchical reign and to become perhaps the chief issue on which President Kennedy sought to take power away from the Republicans. Indeed President Kennedy set the tone of the campaign so that it was fought by both candidates in terms of proposing more strenuous, more effective, and in Kennedy's case more purposive and self-sacrificing responses to the Communist bloc.

Convinced by his own rhetoric, and encouraged by his own abilities and those of his new team, President Kennedy seems to have taken office with the illusion

of having more freedom of action at home and abroad than he had. In fact, his room for maneuver had already been curbed by the history of American-Soviet relations in the postwar years and by the fact that the latent pool of ethnocentric patriotism and hostility to most foreigners endemic to this country had been turned increasingly against the Communists through the ability of right-wing propagandists to profit from Communist aggressions and successes. The more liberal and internationalist forces, very much on the defensive, managed to put Adlai Stevenson and a few other spokesmen into visible posts, but as opinion in the country hardened over Cuba and Berlin, the minority constituencies of these men were further narrowed by the militant and military mobilization that the President has tried to manage, but which, in my judgment, may end by managing him.

To understand what is occurring we must remind ourselves that the history of United States-Soviet relations has been marked on our side by wildly erratic swings of trust and mistrust, fear and condescension. I refer here to the attitudes of the educated, for the uneducated have always – even during World War II – mistrusted the Russians if they thought about them at all. The elites concerned with international affairs underestimated Soviet industrial and hence military accomplishments in the 1920's and 1930's, and hence were overimpressed by Russian successes during the Second World War, failing to notice that Stalin's planes were caught on the ground on a June Sunday (despite years of apparent fear of a Hitler attack, and ample warnings from the British, the Americans, his own military attaché in Berlin, and even from German dissidents), and that, before holding the line at Stalin-grad, Stalin's leadership managed to lose a third of his country and most of his armies.

There then followed a period when Stalin was "Uncle Joe," when his American supporters had considerable influence, and when insufficient thought was given to and precautions taken against revived Soviet military and ideological power. The Red (though not Soviet) assault in Greece, the blockade of Berlin, the coup in Prague, the attack in Korea, and the revelation of domestic Communist conspiracies led in another wild swing to our totalist outlook on the Cold War: we

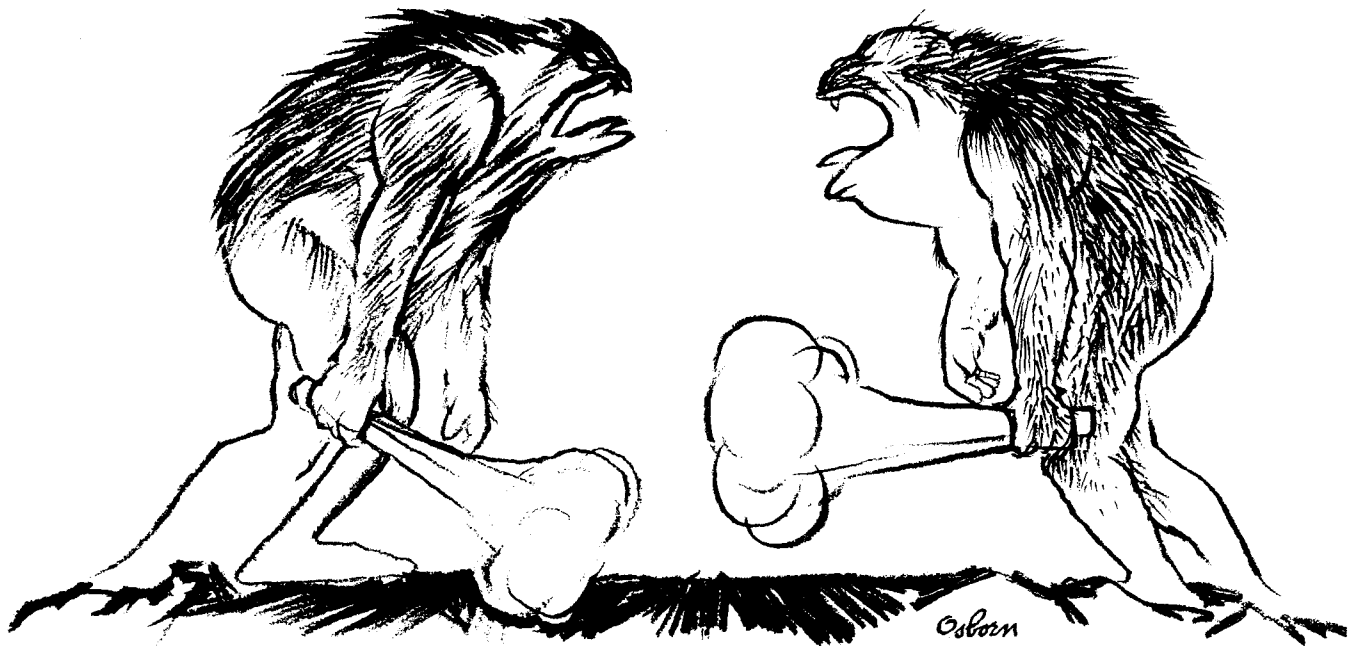
hastily concluded it was impossible to arrive at agreements with the USSR; and anyway, they would be broken, or regarded as a step in the calculated campaign of world dominion. We were entirely unprepared to seize the opportunity for serious negotiation that the death of Stalin provided, prior to the East German riots that so frightened proponents of a policy of liberalization within the USSR.

While we had repeatedly insisted that we should negotiate only from a position of strength, and that we did not bow to threats, the fact is that we have not taught the Russians any consistent way of dealing with us: when they are quiet, we tend to interpret this as weakness on their part, based on the success of our earlier policies, while when they are belligerent we tend to respond by an amalgamation of bluster, conciliation and counterthreats.

At the Geneva Foreign Ministers' Conference of May-July, 1959, the Soviets demanded cessation of aggressive propaganda beamed East from West Berlin, and troop reductions in Berlin. Secretary Herter agreed in principle on both points, while there was no agreement on the details. Gromyko, however, refused to guarantee the Western access to Berlin, helping perhaps in this way to give grounds to the current anxieties that this access is what Khrushchev is really out to destroy. Very possibly Khrushchev had instructed Gromyko to leave these concessions to be made by him at the hoped-for meeting with President Eisenhower; and after the Conference adjourned Khrushchev's visit to Washington followed, an important sign of recognition for himself personally as well as for his country. A joint communiqué after Camp David (September 27, 1959) referred to the reopening of negotiations on

Berlin, whose situation Eisenhower spoke of as "abnormal," and Khrushchev on returning had his visit described in the Soviet press as a great success.

At that time, buoyed by his friendship with the President, Khrushchev would probably have been satisfied by the limited concessions on Berlin discussed at Geneva and in addition some tacit recognition for East Germany; such a compromise might then have seemed a sufficient support against neo-Stalinist and Chinese critics, who in and out of season accuse him of being taken in by the wily imperialists who can only understand the language of force. When Khrushchev's visit to this country was not quickly followed up by a return visit of our President, the West German leaders and their American supporters had ample opportunity to make short work of the "era of good feelings." Secretary Herter's speech in Chicago of March, 1960, was followed by Under-Secretary Dillon's blunt attack on April 20 against Khrushchev's "peaceful coexistence" platform. While the Russians (and even Ulbricht in a speech the same day as Dillon's) talked hopefully about an *interim* solution on Berlin, Dillon – while nominally adhering to the Administration program for such a solution – accused the Soviets of poisonous propaganda, attacked their imperialist ambitions, emphasized our need for strong arms and allies, and declared that we would not accept the Russian "distorted picture of the German problem as a factual premise upon which to negotiate." Since the Russians think America is run by a power elite, they have little sense of the depth of popular anti-Communist feeling and of the impact this feeling has in politics and in the mass media. Were they to assume from Dillon's speech a renewed move by "Wall Street" to intensify the Cold



War? Yuri Zhukov was sent to Washington to find out, and on the basis of his report Khrushchev reacted to the altered American climate with an aggressive speech in Baku, although as yet he avoided attacking the President and took no aggressive action.

We had insisted throughout – as we insist now – that we do not negotiate under pressure of deadlines; Khrushchev had yielded by not mentioning any time limit; yet the Camp David spirit had proved, as Khrushchev no doubt had been warned by his critics, insufficient to contain the President's chief deputies in foreign affairs. The forthcoming Summit thereupon appeared as if it would intensify Khrushchev's political embarrassment; but the affair might have gone forward anyway, though it seems unlikely, had the Dillon speech not been followed by the U-2 incident which not only (as Leo Szilard has pointed out) made clear our awareness of where Soviet bases lay hidden and thus jeopardized the precarious balance of terror, but also led our President to accept personal responsibility in the face of Khrushchev's last-minute efforts to leave him an opening. Apart from the President's natural inclination toward candor, this action betokened the Administration's increasingly unmitigated concern with images, how men and issues can be made to look, as against the more difficult and dangerous task of educating our people as to how things are.

At the present time, at any rate, having repressed whatever twinges of shame and guilt some Americans felt about the U-2, all that most people remember is that Khrushchev reacted with brutal rage at Paris – forgetting that (having let himself go and shown his own partisans and rivals that he could not be permanently gulled) he then two days later in Berlin made a relatively mild speech, containing no new time limits concerning that city.

Since May, 1960, Khrushchev has felt he had to wait for the election. His Ambassador in this country had made clear that he was impatient for a meeting with Kennedy; very likely he feared, as after Camp David, that something would occur to disrupt the possibility of negotiations with the new incumbent over Berlin and over Central Europe generally. Something of course did happen: Cuba. While this was not the doing of the Soviet Union (which at various times has tried to restrain Castro), the public took it in a paranoid way, as if every revolution and anything that goes wrong with us were part of some huge plot. The public cannot experience a riot in Japan or a man in space without anxious scrutiny of the Cold War box score and a cumulative, frustrating feeling of impending defeat.

Of course, on a rational level it is true that the United States no longer has its unequivocal way in the United Nations and in the world. It is also true that in Latin America, Africa, and Asia, the old colonial ways

are eroding; but this is not necessarily a boon to the Communists or a blow to this country – on the contrary, if we stand for freedom and justice we should welcome these changes. But it is a blow if the colonial powers are permitted to blackmail us repeatedly by threatening to desert the flimsy structure of NATO, an organization brought into being to do a necessary but no longer needed job, now going ahead with a life of its own and leading us at times against our will. America is still immensely rich and strong – so much so that we set the models by which the Russians and a number of other countries judge themselves, judge their developments and progress, and indeed the very idea of development and progress.

American Self-Doubts

Thus, it would seem that the realistic changes in the world balance of power are insufficient to explain the degree of defeatism in this country. Mussolini was admired because he made the trains run on time. Americans don't consciously admire the Russians and the Chinese because they make people run on time (or so they say). But I think this is a latent attraction of an authoritarian system, a system that has or appears to have an unequivocal national purpose. Businessmen who go to the Soviet Union are impressed in spite of themselves. Having thought the Russians barbarians, they are astonished by Soviet industrial know-how. And while it is true that machines and organizations sometimes break down, this can be excused in a newly-developing country, especially since it isn't due to strongly unionized workers lying down on their featherbeds; labor discipline in the USSR would gladden the heart of Weirton steel! Every time a train or plane is late in this country; every time sloppy work is done or people goof off, every time orders are sabotaged and not obeyed; every time one feels guilty about one's indolence or that of one's children or that of "the masses"; every time the President urges government departments to release people for the long Fourth of July weekend – on all such occasions, which go against the grain of our traditional American morality, many people must have a feeling of sin or guilt which is intensified by the contrast with the energetic, hard-working and dynamic Communists. And while the elite has long had these feelings, symbolized by the misgivings about the affluence that became endemic in recent years, the public at large has only begun to feel this way with Sputnik; and the "failure" in Cuba – so much less a failure than a victory would have been – has greatly intensified these feelings.

Whether President Kennedy came away from the Vienna meeting convinced that Khrushchev wanted, as the headlines say, to "grab Berlin" is not clear; it is

likely that he realized that one doesn't give six months' notice if one wants to make a grab, and Khrushchev has made amply clear that what worries him is his deliquescent East German satellite and West German rearmament and not West Berlin *per se*, which simply gives him the leverage for pressure on us. At any rate, President Kennedy decided that *he* would "grab Berlin," that is, Berlin as a symbol, to assist the shift away from reliance on massive retaliation by building up conventional forces, to get his foreign aid program through Congress, and to satisfy a partly phantom, partly real public opinion that insists that something – no matter what – be done. Undoubtedly also he wanted to make amply clear to Khrushchev and to our allies American willingness to defend exposed positions, so that the very fact that West Berlin presents a militarily hopeless problem in terms of conventional warfare *behind the Iron Curtain* may make it seem a terrain attractive for nuclear brinkmanship.

In spite of the fact that there are many ways in which a compromise could be reached over Berlin that would both satisfy Khrushchev's own need for Eastern Zone stability and the West's needs for reassured access to West Berlin, it is hard for me to imagine a way in which this game of brinkmanship can be won by President Kennedy. If the crisis is resolved in a way that can be interpreted as satisfactory, the right-wing will almost certainly insist that this is the result of his show of "strength": mobilization and bellicosity, rather than diplomacy and flexibility, will be credited with the results. The doctrine of brinkmanship will continue to tempt the clever or the demagogic, increasing the fears of the Communist bloc and of our less foolhardy allies, until that day of judgment when both armed camps, dug in deep psychologically and geologically, have run out of all possible compromises and have convinced themselves that the other side has lost the will to fight. On the other hand, if the right-wing can charge the President with making too many concessions, and any may seem too many, the country may become still more alarmed and defeatist than it already is; and President Kennedy will also be wholly dug in as the captive of his aroused followers.

What Might Be Done?

Yet even as things are, there are things the President could do to regain some freedom of action. He could make his own aims less unclear to this country, to our allies, and to our potential foes, if the moves he makes toward mobilization could be coupled with measures demonstrating that our build-up of conventional forces is in the pursuance of the long-run aim of scaling down the nuclear threat. For instance, the President might announce that all nuclear weapons on the continent

were being withdrawn from field stations and placed in reserve depots inaccessible to local troops or otherwise hobbled (perhaps placed in Spain and England). The United States might announce that military planes were being kept a stated distance away from the Soviet borders, or that Russian observers were invited to visit bases in West Germany to satisfy themselves that no attack was in preparation and that the forces were only in reserve in case access to Berlin was stopped. Now that the Russians have disrupted the test ban negotiations it is all the more important to emphasize that disarmament still remains our goal and to seek for new areas in which we can work toward world stability. For what is perfectly clear is that the policy of meeting provocation with provocation and tit for tat has been a dismal failure since Vienna.

The sense of despair in the West that is the source of some of the feeling that we must make a "Custer's last stand" on Berlin is an outlook beyond military remedy. It can only be combated by evidence that the West is flexible as well as firm, creative as well as courageous. As President Kennedy periodically realizes, it is necessary to mobilize, not more National Guard units, but more experimentalism and imagination in dealing with problems at home and abroad – as illustrated by what could be done to invigorate the commercial and cultural life of West Berlin, or of other, still more significant "showcases of democracy," such as India. In the present crisis there is a possibility that, by negotiations with the Russians, both sides could emerge with a positive achievement: the United States with new and clearer guarantees for West Berlin's freedom and access to the city; Khrushchev with a peace treaty with East Germany and a greater security for his satellite regimes in the area that has become his *cordon sanitaire*, as well as improved relations with the West; both sides with a lessened danger of war.

With the world as it is, we could be grateful for that. But over that horizon lies the possibility that the Russians would preoccupy us less, and our own needs and values would preoccupy us more; that we could shed our new form of the white man's burden: the image of ourselves as either omnipotent or nothing; and that we could persuade both ourselves and the Russians – and even, some day, the Chinese – that we live in a pluralistic world of give and take and that, all things considered, we have not fared so badly in that world. The dangers of Soviet misinterpretation of our intentions can be coped with by untiring patience, insistent search for points of common interest, and systematic efforts to look at matters as the other side (for whatever reasons) sees them, and with an eye single to the question, not of scoring this or that point in the Cold War, but of beginning to create an international order appropriate to the nuclear age.

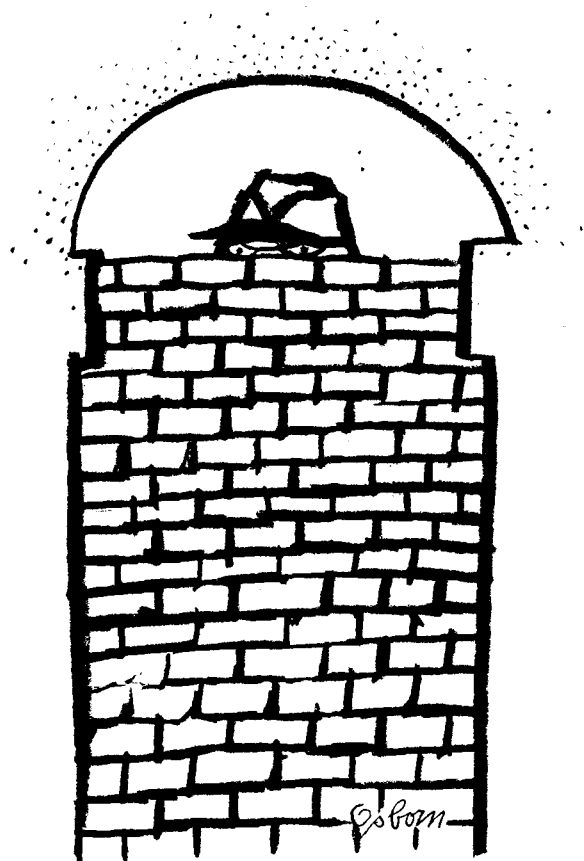
Shock of Reality

by Terence Prittie

The cement and barbed wire barriers which have gone up across the middle of Berlin are intended to remain there. For their purpose is to bar the way to escaping East German refugees (their daily average has been only 450 during the past two years but more than 3000 a day were coming into West Berlin during the first part of August). The flow of refugees could be checked in one other way – by getting the Western Powers to agree not to fly them from West Berlin to the Federal Republic. But the Western Powers have no intention of doing this. The “Chinese Wall” across the middle of Berlin has come to stay, and the East Germans would only remove it if West Berlin were converted into a demilitarized, “free” city, if Tempelhof and other West Berlin airfields were closed down, and if all passengers by air had to fly from the East German airfield of Schoenefeld.

This has given German opinion, both in West Berlin and in the Federal Republic a violent shock. There is a finality about a wall’s blank face. Perhaps the most impressive example of this is in the Potsdamer Platz, which used to be a meeting-place of East and West Berliners and a main thoroughfare between the two parts of the city. The “Chinese Wall” runs slap across the middle of the square for more than 200 yards. On the western side a money-changer’s office has closed down, flower and fruit stalls have vanished and disconsolate proprietors sit in the late summer sunshine outside their shops. On the eastern side two newspaper kiosks have been demolished in order to give the People’s Police a better field of fire, in order to prevent East Berliners from committing the “crime” of “Flight from the Republic.” The only evidence of life in the square is the tramp of the People’s Police boots.

Somehow or other, the Berliners had never quite visualized all this happening. Their sense of personal shock has brought the almost total disappearance of that jaunty self-confidence which used to distinguish them. (When Khrushchev first threatened Berlin in December, 1958, Berliners said to me, “Everybody worries too much about Berlin – except us”; in August, 1961, they said, “What are you going to *do*, to help us?”) The Berliners have not lost their courage, but today it is leavened with bitter disillusionment and foreboding. For the first time, they are not disposed to



joke about the Communist threat to their freedom.

The “real” crisis, it is said, will arise only when the control of all communications between Berlin and the West is vested in the hands of the East German Republic. It was at first assumed that this would only happen after the separate peace-treaty is signed between East-ern Germany and the Soviet Union – and the East German Press Chief, Albert Norden, forecast this for December. But there is nothing to prevent the Russians from acting earlier – by simply withdrawing their representatives from the *autobahn* and the Four-Power Air Safety Center in Berlin. This thought, more than anything else, gives the situation in Berlin its peculiar tension. For if there were no further threat to Berlin, its people might get used to the fire-hoses and tear-gas bombs of the People’s Police, to the shooting and shouting which accompany the periodic escapes of East Germans into the western sectors. The crisis could even be “stabilized” along this uneasy front line.

So much for the obvious features of the crisis. What of its effects? The most immediate are those which have been felt in Eastern Germany, which has at a stroke been converted into a vast prison, with 16 million of the condemned and a few hundred thousand Communist warders.

The first reaction of the bulk of East Germans has been one of utter, forlorn wretchedness. The bolt-hole into West Berlin has been plugged, the bolt-hole which

over 2 million East Germans have used in the past and which so many more were prepared to use if driven to it. The East German population is cowed. The Ulbricht regime was determined not to repeat its tactical blunder of 1953, when the institution of more liberal policies encouraged the unsuccessful revolution. Instead it has been ruthless. It intends to dam the dangerous drift of manpower out of Eastern Germany once and for all. In addition, it intends to raise output by increasing the "work-norms" throughout industry and agriculture (it was pressure on work-norms which touched off the 1953 revolution). The slogan, "Produce more in the same time as before, for the same wage as before" has been universally proclaimed throughout Eastern Germany during the last three weeks. The Ulbricht regime knows that the sealing-off of West Berlin will not simply block escape to the West; it will eliminate hope and protest in the factories and on the farms. For both hope and protest have now lost all point.

Khrushchev must wish that the Berlin crisis will accentuate differences of opinion among the other Great Powers with a stake in Germany. Their failure to agree on a common line of action has, certainly, been deplorable. It has been a failure for which no single country, or man, can take the major share of responsibility, but to which US, British, French and West German policies have all contributed.

Sufficient Unto the Day

The American failure – to this observer – has been one of dilatoriness. Khrushchev's intentions were made clear to President Kennedy at the beginning of June, in Vienna. Yet, by August 13 no clear-cut US policy for grasping the diplomatic initiative in Europe, and so averting Soviet pressure on Berlin, had emerged. The British failure has been one of misplaced tact. Mr. Macmillan has tried in the past to produce new thought on the German situation, and has been instantly snubbed by the Federal Government. During the summer Britain's contribution to Western diplomatic endeavor has been restricted to quiet talks with the Americans, and vague declamations such as Lord Home's that "negotiations are not an incantation."

The French attitude has been much more, and perhaps deliberately obscure. On four-power committees which deal with German affairs the French representatives tried for some time to suggest that no Berlin crisis existed. De Gaulle's "tough line," rejecting all negotiations, seems to have had less to do with summit tactics than with an utter disinterest in making any progress towards a solution of the German question. The reflection is inescapable that France is not dissatisfied with the division of Germany, which enables France to dominate all European institutions to which the rump-Germany of the Federal Republic belongs. Finally,

Chancellor Adenauer took a terribly long time to listen to US and British advice that negotiations with the Soviet Union might be inevitable and could be carried through constructively. Since 1958, Dr. Adenauer has insisted that there can be no negotiations unless the Russians withdraw their threat to Berlin. Only on July 11 of this year did he come out publicly in favor of negotiations. When asked recently why he preferred negotiations now, under duress, to negotiations three years ago, he could only answer that it was not possible to pass judgment on everything that had happened during the last three years. Adenauer was shaken out of his uncompromising line very late in the day, perhaps too late. "The old gentleman," as West Berlin Mayor Willy Brandt said tellingly during the election campaign not long ago, "simply cannot grasp the situation any more."

The Western Powers have always held differing views about Germany. This has been dangerous in the extreme, for it has condemned them to diplomatic drift. There was a time when genuine alternatives to Khrushchev's plans for Berlin and Germany as a whole could have been put forward at a tactically advantageous moment. Alternatives put forward today have a poor chance of averting Khrushchev's juggernaut progress.

In this situation the people of Germany are likely to look more realistically than ever before at their own problems. They know that four-power negotiations are now desirable. They are aware that the East German regime may have to be drawn into talks, and that a recognition of the East German Republic may have to be considered. They know, too, that the day of reunification has been indefinitely postponed, and that the Adenauer recipe for achieving it – by being strong and firm, and waiting for the Communist bloc to disintegrate – has failed.

The need to re-think West German foreign policy can scarcely be denied. The West German doctrine of withdrawing diplomatic recognition from any state which establishes relations with the East German Republic, is likely to be put to the test soon; for most of the uncommitted states which met in Belgrade last month are prepared to recognize the Ulbricht regime. Western Germany may decide, after all, to recognize Poland and Czechoslovakia – the Free Democrats have already proposed this. Defense of the *status quo* may turn out to be, as one German writer called it, "going into winter quarters for the next world war." And apart from all this, the Western Alliance is being put to two stern tests: The first is external, applied by Khrushchev; the second is internal, and involves the maintenance of trust between Western Germany and her allies. The second may prove the more difficult, for this crisis has uncovered the tendency on the part of the Germans to blame everyone but themselves for what happens.

What Are Our Rights?

by Joseph Bishop, Jr.

It is, worse luck, highly unlikely that the Berlin question will be settled by the International Court of Justice on the basis of briefs by lawyers learned in the law of nations. Yet neither the West nor the Soviet Union can afford to appear nakedly lawless in the eyes of the rest of the world, or even in those of their own people. It is not absolutely impossible, since even politicians have consciences, that the heads of state themselves prefer to believe that their conduct is not merely expedient but just. The Communists are probably less legally minded than their opponents, but I find, in four recent statements by Mr. Khrushchev, dealing in whole or in part with Berlin, no less than 14 references to international law, all highly favorable to his own contentions.

This law is, as might be expected, a subject of lively dispute between the parties. There appear, indeed, to be only two important areas of agreement: (1) West Berlin is now under military occupation by France, Great Britain and the United States; and (2) its status is highly peculiar or – to use a current counterword of diplomacy – “abnormal.”

As with any legal problem, the first thing is to state the facts. As far back as September, 1944, the United States, the United Kingdom and the Soviet Union formally agreed that occupied Germany should be divided into three zones “and a special Berlin area, which will be under joint occupation by the three powers.” (This agreement was later amended to include France as a fourth occupant of both Germany and Berlin.) Early in June, 1945, it was implemented by an agreement among the four powers that the area of Greater Berlin was to be ruled, subject to the Allied Control Council (*i.e.*, the military governors of the four zones), by an Inter-Allied Governing Authority – the so-called *Kommandatura* – consisting of the four Berlin military commandants. Each commandant governed his own sector; the *Kommandatura* (which, like the Control Council, had to act unanimously) was to decide questions common to all the sectors.

The Red Army was then in exclusive possession of Berlin, which General Eisenhower had decided “was not the logical or the most desirable objective for the forces of the Western Allies.” On the other hand, United States forces occupied most of Saxony and

Thuringia to the Elbe River, some 200 miles inside the Russian zone. On June 14, President Truman sent a letter to Premier Stalin, offering a trade – to pull the American forces back to their own zone “in accordance with arrangements between the respective commanders, including in these arrangements simultaneous movement of the national garrisons into greater Berlin and provisions of free access by air, road and rail from Frankfurt and Bremen to Berlin for United States forces.” Stalin accepted, agreeing to “take all necessary measures” in accordance with the plan. Similar correspondence was exchanged between the British and Soviet Governments. Two weeks later the four zone commandants filled in the details of these basic agreements by arrangements for the withdrawal of Western forces from the Soviet zone and their use of the Helmstedt-Berlin *autobahn* and rail routes (the most direct line from West Germany across the Soviet zone to Berlin), subject only to “normal traffic regulations,” which, Marshal Zhukov explained, would include road signs, military police and document checking, “but no inspection of cargo – the Soviets are not interested in what is being hauled, how much or how many trucks are moving.” In November, 1945, three air corridors were by quadripartite agreement established from the Western zones across the Soviet zone to Berlin with unrestricted flight, subject only to agreed uniform safety regulations. The basic agreements were further amplified by an Anglo-Russian agreement on barge traffic and sundry quadripartite agreements relating to the mails, telephone and telegraph, and the movement of Germans between the Western zones and Berlin.

These fundamental agreements are certainly somewhat informal and not as explicit as they might be; nevertheless they are as valid and binding as the most pompous full-dress treaty and well up to the usual standard of international agreements in the matter of clarity. Moreover, they were reasonably well calculated to handle what the Western powers, at least, thought was the situation and what had always been the situation after previous wars; a joint military occupation of reasonable duration, say four or five years at the outside followed by the establishment of a central German government with its capital in Berlin and a peace treaty, terminating the military occupation, with

that central government. The point is that the present legal situation of Berlin, anomalous and hopelessly ill-adapted to its actual geographical and political status, was not planned by lawyers or Russians, Americans, Englishmen or Frenchmen; it was allowed to happen. As Mr. Truman shrewdly (and subsequently) remarked, "This shows that heads of state should be very careful about horseback agreements, because there is no way of foretelling the final result." Legally speaking, it is reminiscent of the situation in which a testator, having one middle-aged and childless daughter, dies with an admirably drawn will leaving her a comfortable life income, the remainder made over to a Home for Wayward Cats – whereupon the daughter produces five or six children.

Collapse of Four-Power Accord

As everyone knows, the idea of quadripartite control of Germany and the creation of a central German government broke down early, because of the total inability of the four victorious powers to agree on anything at all. Developments in the Berlin microcosm naturally paralleled those in Germany as a whole – and, incidentally, furnish some support to the hypothesis that the Soviet Union, like the West, entered into the arrangements of 1944 and 1945 on the basis of a major political miscalculation. The Russians had utilized their brief period of exclusive occupation to install in Berlin a German administration dominated by the Socialist Unity (Communist) Party. In October, 1946, the Russians made the never-to-be-repeated mistake of permitting honest elections in Greater Berlin; the Socialist Unity Party took a fearful drubbing, and the German administration became anti-Communist. The Soviet authorities were reduced to the chronic use of the veto in the *Kommandatura*, which (like the Allied Control Council) practically ceased to function. The Soviet delegation formally walked out of the *Kommandatura* on July 1, 1948, the immediate cause being the introduction into West Berlin of the currency reform already effected in the Western zones. These developments were accompanied by the blockade (and counter blockade) of 1948 and the Berlin airlift. In November of the same year the Russians set up a *Magistrat* (city government) in their sector, purportedly the lawful government of the whole city. The original *Magistrat* moved to West Berlin, where it has functioned ever since. There were thus two separate and hostile city governments, each claiming to be the lawful government of Greater Berlin and each, of course, exercising authority only in its bailiwick.

The Western Allies, understandably, promptly and loudly denounced the blockade as a violation of their rights stemming from the defeat and surrender of Germany – rights of access to Berlin which, they argued,

were not only implicit in their status as military occupants of the city but confirmed both by the agreements already described and by usage. The Russians did not – and apparently do not to this day – deny the existence of these agreements or seriously contest the construction given them by the West. Their legal answer was, and is, that the four-power agreements on Berlin were no more than an "inseparable component part" of the broader agreements on Germany as a whole and that the frustration of these agreements by the Western powers – particularly their organization of a separate economic and political unit in their zones and their failure to carry out the disarmament of Germany – destroyed the whole system of four-power agreements on Germany and "thereby undermined as well the legal basis which assured their right to participate in the administration of Berlin."

This dispute, it goes without saying, was not resolved by the two quadripartite agreements – the last which seem relevant – made in connection with the ending of the blockade. That of May 4, 1949, simply provided for the simultaneous removal of "all the restrictions imposed since March 1, 1948, by the Government of the Union of Soviet Socialist Republics on communications, transportation and trade between Berlin and the Western zones of Germany and between the Eastern zone and the Western zones" and the corresponding restrictions placed by the West on such traffic. In June the four powers agreed that the May agreement should be "maintained." They announced their intention "to continue their efforts to achieve the restoration of the economic and political unity of Germany" and to that end to consult together "to mitigate the effects of the present administrative division of Germany and Berlin," particularly by "(a) Expansion of trade and development of the financial and economic relations between the Western zones and the Eastern zone and between Berlin and the zones; (b) Facilitation of the movement of persons and goods and the exchange of information between the Western zones and the Eastern zone and between Berlin and the zones; [and] (c) Consideration of questions of common interest relating to the administration of the four sectors in Berlin with a view to normalizing as far as possible the life of the city." They further agreed that, in order to promote these laudable purposes "and in order to improve and supplement this and other arrangements and agreements as regards the movement of persons and goods and communications between the eastern zone and the western zones and between the zones and Berlin and also in regard to transit, the occupation authorities, each in his own zone, will have an obligation to take the measures necessary to insure the normal functioning and utilization of rail, water, and road transport for such movement of persons and

goods and such communications by post, telephone and telegraph." Nothing was said about air traffic (presumably because it had not been affected by the blockade), and no time limit was set on the "maintenance" of the agreement to lift the blockade.

Whoever is at fault, the polarization of Germany proceeded rapidly. In September, 1949, the Federal Republic of Germany was established in the Western zones and accorded a high degree of autonomy, though the occupation was not ended. A week or so later the German Democratic Republic appeared in the East zone and got about the same degree of autonomy as other Communist states in Eastern Europe. But both sides were chary of drastic tampering with the status of Berlin; the relationship of these German governments, particularly the Federal Republic, to the city was and still continues to be complicated and somewhat obscure.

West Berlin and Bonn

The Federal Republic *Grundgesetz* (not called a constitution, because that august title is to await the reunification of Germany) listed Greater Berlin as one of the 12 *Laender* (states) to which it applied. But the Western Governors, when they approved this basic law, made reservations on Berlin; it was neither to be given voting representation in the federal parliament (though it may and does send non-voting representatives) nor be governed by the Federal Republic. Likewise West Berlin's own constitution now describes it as a *Land* of the Federal Republic, governed by the latter's *Grundgesetz* and other laws; but the Western *Kommandatura* limited their approval by stipulating that Berlin should have none of the attributes of a *Land* and that the Federal Republic's laws should not apply of their own force to Berlin; they have to be enacted by Berlin's own city government. Under this system, Berlin has in fact pretty homologized itself to the Federal Republic so far as financial and judicial matters go: as to taxation and public expenditure, it is practically a twelfth *Land* of the Federation, and it has the same currency. The decisions of its courts are subject to the appellate jurisdiction of those of the Federal Republic. But the *Bundesverfassungsgericht*, the Federation's supreme constitutional court, held in 1957 that so long as the Allied reservations remained in force, Berlin was not one of the *Laender* and that as a consequence constitutional questions arising in Berlin were not within its jurisdiction.

The Western Allies were sedulous not to disturb this delicate balance by their 1954 Contractual Agreements (so-called to make sure that nobody confused them with a Peace Treaty) with the Federal Republic. These agreements, though they terminated the occupa-

tion in West Germany, changed the mission of Allied forces from occupation to "the defense of the free world, of which Berlin and the Federal Republic form a part," and gave the Federal Republic "the full authority of a sovereign state over its internal and external affairs," reserved to the Western powers their rights as military occupants "insofar as they are required for the exercise of the rights" relating to Berlin, Germany as a whole, reunification and a peace treaty. Passing rapidly over the concept, intelligible only to the *hoch-*

International Law

My office adjoined the office of one of the best professional brains I've encountered in life, General Enoch H. Crowder, the Judge Advocate General. He was a heroic character. He went to West Point because that was the only way he could get an education. Then he was sent to this army post, that army post, and while other people were loafing, playing cards, or polo, or nothing, or drinking, or whatnot – he was a studious temperament, he had an instinctive drive for books – he studied to get admitted to the bar. That's how eventually he got to the Judge Advocate General's corps. . . . I remember shocking him – the difference between a civilian and military tradition – when he came into my room and said, "Frankfurter, I want you to help me. I've just been over to the White House" – this was just after we had seized the customs house at Vera Cruz – "and I'm asked to write a memorandum whether that seizure should be treated as an act of war and what its status is in international law. Will you work with me on that?"

I said, "General, I'm going to ask to be excused. I don't have to work on that. I know the answer to that."

"You do?"

"Yes, I do."

"What is the answer?"

"It would be an act of war against a great nation; it isn't against a small nation."

"I can't give him that."

"I know you can't, but that's the answer."

I still think that's a good answer.

– Felix Frankfurter Reminisces

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gelehrte among international jurists, and not to all of them, that West Germany ceased to be occupied territory but the three Allies continued as occupants for some purposes, the intent is tolerably plain—to change radically the relationship between the Western Allies and the West Germans without affecting their status *vis-à-vis* the Soviet Union. Berlin, not being part of the Federal Republic, was not within the scope of these agreements, although the Three Powers took the occasion further to increase the control of the city government over its own affairs, in which relations with the East zone and East Berlin were not included. As to Berlin, the Western Ambassadors continued to be High Commissioners — *i.e.*, Military Governors.

Parallel subtleties occurred in the East zone. In 1949 a constitution was promulgated for the German Democratic Republic, declaring Berlin to be its capital, although the allocation of powers and duties between the Soviet occupants and the GDR was left undefined, at least by any published document. The Soviet government seems to have followed the Western example in allowing the laws of the GDR to become effective in East Berlin only when adopted by the municipal authorities. In 1955 the Soviet signed a treaty with the GDR, allegedly granting it “unrestricted sovereignty.” Accompanying letter agreements stipulated that the GDR would exercise “watch and control” over its borders, “the demarcation line between the German Democratic Republic and the German Federal Republic, the outer boundary of Greater Berlin, in Berlin” and the communication lines between the Federal Republic and West Berlin. The tortuous quoted language appears to be intended to emphasize that while there may be *de facto* boundaries between the GDR, the Federal Republic and West Berlin, these lines do not exist *de jure*; they are not international borders. Control of the transport of personnel and goods of the West Berlin garrisons was reserved to the Soviet High Command.

The Case Summarized

These are the principal facts pertinent to the question of Berlin’s status under the law of nations. The main legal questions are:

1. *What is the source of the rights of the Western Allies?* The Soviet Union apparently argues that since the Red Army actually conquered Berlin, Western rights to be there stem from Russian consent and thus depend upon the continued validity of the four-power agreements. The West replies that its rights, though reinforced and confirmed by these agreements, “derive from the total defeat of the Third Reich and the subsequent assumption of supreme authority in Germany”; the right of free access to Berlin, being implied

as an essential corollary to the right to occupy it, rests on the same basis. Russia, they conclude, cannot retract rights which were not hers to grant or deny.

2. *Are the international agreements providing for Western access to Berlin valid today?* They have certainly not expired by their own terms or by any express agreement among the powers. The Russians, as noted above, argue that these agreements are simply parts of the whole complex of four-power agreements for the unification, demilitarization, etc. of Germany and that this grand general plan has been vitiated by the violations committed by the Western powers. Assuming *arguendo* that the postwar agreements among the four powers are component parts of one big agreement, orthodox international law, like orthodox domestic contract law, says that violation of a treaty by one of the contracting states, while it does not *ipso facto* cancel that treaty, gives the other party a right to do so — unless his own illegal acts prevented the first party’s performance. The Western powers and the Soviet Union have both done a good many things since 1948 which were certainly inconsistent with the original scheme: each side has turned its zone into a separate economic and political entity, and each has permitted and encouraged its German government to rearm. If, as the West insists, it was the Russians whose intransigent conduct first frustrated the fulfillment of the four-power agreement, the Russians are in no position to cancel any part of it.

3. *Does the West’s right of access include German civilian traffic?* The Western Allies say that their rights of access exist by right of conquest and that they endure so long as needed to fulfill their responsibilities as occupants. Under the Hague Regulations a military occupier has a duty to “ensure public order and safety,” a phrase which includes the physical well-being of West Berlin’s population and the maintenance of its economy. The Russians do not appear to contest this interpretation. They do deny that “spies, revanchists and provocateurs” (terms from the Marxist *schimpflexikon* whose principal meaning in this context seems to be West German politicians, whether Socialist or Christian Democrat) are entitled to free access to the city. It is certainly hard to assert dogmatically, in the absence of any precedent remotely analogous, that the “public order and safety” of West Berlin require that the local supply of politicians be supplemented by imports from the Federal Republic. The view that the occupants’ responsibilities do entail a right to maintain such communications as are in fact necessary to the normal life of the population is reinforced by the 1949 agreements, which provided for removal of restrictions on “communications, transportation and trade” be-

tween Berlin and the rest of Germany, and for the maintenance of that free traffic; they were certainly not limited to the supply of the Western garrisons.

4. *What would be the effect on the West's rights of a peace treaty between the Soviet Union and the GDR?* Mr. Khrushchev, stating as his legal premise that "it has always been the case that after the signing of a peace treaty, the conditions of capitulation lose force on the entire territory which the treaty covers and throughout this territory the occupation terms are lifted," bounds nimbly to the conclusion that "the occupation rights, of course, would discontinue with the conclusion of a German peace treaty, no matter whether it is signed with both German states or only with the German Democratic Republic, inside whose territory West Berlin lies." This seems to slur over the distinction, which is substantial, between a peace treaty and the peace treaty. It is certainly true that peace treaties have been an accepted and traditional means of ending belligerent occupations. At the same time, there is no precedent for the idea that a treaty between one belligerent and the *de facto* government of that part of the conquered territory which it occupies can end the occupation by that belligerent's allies of another part of the conquered territory, particularly when those allies do not recognize the signatory government of the occupied territory. In the past, the peace treaty which terminated an occupation has invariably been one between the occupier of that particular territory and a government which the occupier recognized as the lawful sovereign of such territory. The case of the United States on this point, however solidly founded on law, is not much helped by the fact that it signed a separate peace treaty with Japan, as the Russians have not failed to point out on every possible occasion. But the Russians, though they were uninfluential members of the Allied Control Council, were not in actual occupation of any part of Japan; there was only one Japanese government; and the treaty certainly did not purport to bind the Soviet Union or abrogate such rights as it had.

5. *What is the effect of the "sovereignty" of the German Democratic Republic?* The Russians say that after the signature of a peace treaty the GDR will be even more sovereign than it is now. Therefore, since control over air, land and water communications across its territory is "an inalienable right of any sovereign state," access to West Berlin must, under "generally accepted international norms," depend upon the GDR's consent. I accept as good international law the premise that a sovereign state normally has a right to control its territory. But even assuming that the GDR is *de facto* a "sovereign state" (only the Communist states recognize it as such *de jure*), that right is by no means "inalienable." The territory of a sovereign may be, and

often is, subjected to a "state servitude," defined by the late Sir Lawrence Oppenheim, the great whale of international law, as "an exceptional restriction made by treaty on the territorial supremacy of a State by which a part or the whole of its territory is in a limited way made perpetually to serve a certain purpose or interest of another State." The commonest example is a right of transit. Moreover, since state servitudes are "rights *in rem*, they remain valid and may be exercised however the ownership of the territory to which they apply may change." There is, in short, no precedent for the idea that State A, by recognizing a new "sovereign" over territory, can cut off the rights of States B, C and D as to that territory. If the customary international law or the existing four-power agreements subject the territory in question to such a servitude, it is not lifted by the transfer of sovereignty to the GDR, any more than A's common law easement to use B's driveway to get to his own house is abolished when B deeds his land to C. It may be a trifle cavalier of A to use the driveway of one whom he is unwilling to meet socially, but it is not illegal. Finally, it should be noted that the blockade-lifting agreements of 1949 speak only of the restrictions imposed by the USSR, and so might arguably not be directly applicable to a new and different sovereign.

6. *How about communications between East and West Berlin?* Here the USSR and the GDR seem to be on firmer ground. I find nothing in the four-power agreements which unambiguously obligates the Soviet authorities to permit free circulation *within* the city; the agreements refer in terms only to communication between the zones and between the zones and Berlin. I note that while Secretary Rusk's statement of August 13 described the sealing off of East from West Berlin as "a violation of the four-power status of Berlin and a flagrant violation of the right of free circulation throughout the city," he did not cite chapter and verse for these rights — whereas he termed the restrictions on travel between East Germany itself (a "zone") and Berlin a "direct contravention of the four-power agreement reached at Paris on June 20, 1949."

History never repeats itself precisely, and the legal problems arising out of the four-power condominium over Berlin have no exact precedents. Nevertheless, accepted international law seems on the whole to justify the conclusions that the Western powers have now, as military occupants, valid rights of access to West Berlin (including access for the purpose of maintaining the normal life of the city) which are reinforced by but do not depend upon the four-power agreements, and that these rights cannot be abrogated by a treaty to which they are not parties. This does not mean that no different or better solution can be devised. It means that such a solution must, as a matter of law, be based on agreement among the states having rights in Berlin.

Negotiating a Settlement

I. The Way to German Reunification

by Gerald Freund

The so-called *status quo* which has been successfully defended in beleaguered Berlin since 1945 no longer exists. That is where our thinking must start. The Communists are pulling the noose tight, and merely reiterating our determination to fight will not cause Khrushchev again to back down. The essential change since his ultimatum of 1958 has not been the erection of a wall between East and West Berlin but, in a fundamental sense, a change in the balance of power. Now that Moscow has reached unprecedented levels of military and economic strength, it is mounting an offensive from which it will not easily be deterred.

A number of factors account for the timing of this drive, some having to do with the instability of the Ulbricht regime and the need to consolidate the satellite bloc – perhaps with a mind to anticipated frictions with Communist China. But a key motivation is certainly the West's failure over the years, especially since 1958, to propose an acceptable alternative negotiating basis on which the Berlin and German problems might be solved. The NATO allies, led by Washington but restricted by Adenauer's price for full cooperation with the West, have rested their case on a disappearing *status quo*, paying lip-service to the goals of German and European reunification but in fact confining themselves to building up their military strength and the issuance of declarations that force will be used to defend the NATO perimeter.

From Moscow's standpoint, German rearmament and especially Bonn's pressure to acquire nuclear weapons are direct and intolerable threats, not because the Russians fear defeat at the hands of the Germans, but because West Germany could embroil its allies in a war with Communism in order to make good its territorial ambitions in Eastern Europe. Khrushchev's political offensive against the West's most vulnerable position, in Berlin, is at least in part a direct response to this threat.

After rejecting for years Ulbricht's entreaties to shore up his tottering regime, the Soviet leadership has taken direct action to establish a stable East German

state. In the process Moscow has exposed the weaknesses of the West, not only in Berlin, but in Germany as a whole. The flow of refugees, a major source of Communist embarrassment, has been stopped by the wall across the city. Moscow's plan to sign a separate peace with East Germany is not a bluff, and it must be assumed that the Communists will exact a high price for Western access to Berlin across East German territory after the treaty is signed. Some years ago it might have been sufficient for the Western powers to treat East German border guards as "agents" of the Soviet occupation; now in all likelihood there will have to be *de facto* recognition of the East German government.

Washington's counteroffensive has been weak. Western claims to rights in Berlin and to access through East Germany, based on agreements and practices since 1945, simply do not have the appeal of Moscow's propaganda that the time has come to do away with the last vestiges of World War Two. US efforts to convince the non-aligned countries – with the aim of working up a UN General Assembly majority should there be a Berlin debate – that the East Germans are victims of Soviet imperialism and that all Germans should enjoy the right of self-determination, are likely to fail. Africans and Asians persist in regarding the Cold War as a European and Atlantic struggle, and even those who criticized the Red Army's brutal action in Hungary in 1956 do not equate Eastern Europe's struggle against Soviet imperialism with their own fight for independence, perhaps because there is no racial factor in Europe.

The bankruptcy of our policy in Central Europe is evidenced by the fact that our chief response to Khrushchev's actions has been to threaten military action in the event of further Communist infringements of the poorly defined agreements governing the status of Berlin. The Kennedy Administration is not to be singled out for blame. Under Acheson, Dulles, and Herter opportunities were missed for exploiting weaknesses within the Soviet bloc; constructive proposals to assure the freedom of West Berlin through interim agreements

aimed at achieving a German and Central European solution were dismissed, frequently to accommodate the wishes of our continental NATO partners, particularly Bonn. New proposals, whether put forward by Prime Minister Macmillan or Polish Foreign Minister Rapacki, were repeatedly sacrificed to the assumed greater need for building up military power and maintaining the appearance of Western unity. There have been men, like George F. Kennan, who for years have pointed to the Soviet stranglehold on Berlin as the West's critical weakness – one which might permit the Russians to divide NATO and, by judicious application of pressure, enable them to advance their aims in other parts of the world. These men have pleaded for diplomatic initiatives in Europe. They have been ridiculed, called appeasers, or told they are hopelessly ignorant of power realities. Yet it is not *their* policies that were followed – and we are where we are, precisely because their thinking was rejected.

We are told this period of blindness is now over, that the Kennedy Administration has only been waiting until after the West German national elections to insist that Bonn face facts. I hope that is so, for only if the opposition of de Gaulle and Adenauer to policy changes and tactical flexibility is overcome can the West take the initiative in negotiations and construct a stronger position from which to bargain.

Premier Khrushchev believes that the Soviet bloc has reached a power standing relative to NATO which allows him to eliminate the Berlin "cancer" and win world recognition of a sovereign East Germany and of the *status quo* in Eastern Europe. The immediate danger to world peace stems from his apparent confidence that he can act unilaterally, and get away with it, if the West does not accede to his demands. On the other hand, Khrushchev cannot be sure that things will not get out of hand or that the West will not, at some point, resist with military force, provoking a conflict which would endanger the Soviet homeland. Opportunities may also lie in Khrushchev's apparent need to gain recognition for the Eastern European *status quo*. This is surely not unrelated to the continuing struggle for supremacy in the Soviet hierarchy and to the uncertainty of future Russian-Chinese relations. Khrushchev has his reasons for wanting to reach an amicable settlement with the West, and these give us – even at this late date – an opportunity to devise bargaining positions which can lead to realistic solutions of key Central European problems. But to be effective in the forthcoming negotiations, new initiatives will have to deal with the complex political and military issues of a divided Europe, as well as with the more limited problem of Berlin itself.

President Kennedy has defined our aim as "maintaining the freedom of West Berlin," which requires

continued free access from the West but need not provide for direct links between the city's administration and Bonn: the freedom of West Berlin can be assured without its being a part of the Federal Republic. Likewise, agreements could presumably be made for mutual cessation of espionage and propaganda carried on in both halves of Berlin, and there could be guarantees against stationing nuclear weapons in any part of the city. But the crucial Berlin issues are the maintenance of Western, above all US, troops and the control of air and surface access for military and civil traffic.

Why do I say the presence of US troops is necessary? Because it seems to me that proposals for replacing American, British, and French garrisons with a United Nations force fail to take into account the devastating psychological impact a total withdrawal of our forces would have on the Berliners. The garrisons could be reduced and a UN force could be added without causing great alarm, but if US soldiers, who are considered hostages guaranteeing US support for the city, are withdrawn altogether, there would be a panicky exodus from West Berlin. Some Berliners have already transferred their bank accounts to West Germany. A middle-aged West Berliner recently told this writer that if UN troops replaced the allied garrisons he and most of his friends would immediately emigrate to West Germany where they have relatives and job offers. His remaining friends would befriend and collaborate with East German authorities who, they are sure, would soon afterwards take over the city. The West Berliners have no confidence in the UN; they believe that the Security Council would not act fast enough, or act at all, if the Communists stage riots and then take over the municipal administration – which could happen overnight – on the pretext that this was necessary to restore order.

The Khrushchev and Ulbricht shock tactics since August 13th have been aimed at winning a bloodless victory by driving the West Berliners out of the city. In the opinion of many who live in Berlin, these tactics will succeed unless the American garrison remains.

In and Out by Air

The Western powers can make no concessions in negotiations except in exchange for explicit guarantees of political and economic freedom for the more than two million inhabitants of Berlin's Western sectors. And to be meaningful these guarantees must assure unimpeded trade and military communications with the West. UN inspectors could conceivably be stationed at strategic points along the surface access routes to assure and regulate civilian traffic and economic intercourse, but such an arrangement might require prior admission of the two Germanys to the world organization, which would mean *de jure* recognition for the

DDR. The alternative, on which Khrushchev insists once the Soviet bloc has signed a peace treaty with the Pankow government, is an agreement between the Western powers and Ulbricht for maintaining free access, and this need result in only *de facto* recognition of the East German regime, at least initially.

Air travel is the critical access problem. As is pointed out in the opening statement of *The New Republic* editors in this issue, citizens of the Federal Republic and other civilians have for many years accepted East German control of *autobahn*, railroad and canal traffic to and from West Berlin; but civilian air traffic has been exempt from these controls. (There is surely a connection between the brutal division of Berlin with bricks and barbed wire and the Communists' insistent demand for control over civilian air traffic.) For years refugees have been flown out of Berlin by commercial airlines. Since August 13th, the exodus of East German youth, workers, and members of the professions which had been bleeding the East German economy has been stopped by the wall across the city. If their escape route could be cut off by measures at Tempelhof airfield the barriers across Berlin could be taken down.

The West has derived propaganda benefits from the East German refugees "voting with their feet" and, since August 13th, from the extreme measures taken to stop them. But in deciding whether or not to give the Communists some control over air traffic out of Tempelhof airport, the Western powers must weigh the importance of traffic between East and West Berlin being resumed. The decision is not self-evident. There are good reasons for not inviting a new flow of refugees: Some of those who have crossed to the West are undesirables in any society; many are difficult to resettle and become a burden to the Federal Republic; although most refugees have found good jobs in West Germany's scarce labor market, they would be the first unemployed in the event of an economic setback, and this would intensify their demands for active policies to return them to their homelands. Of greater importance is the danger that the depopulation of East Germany could lead to an influx of Slavic peoples to work the empty farms and stilled machines. Once this happens there would no longer be any possibility of re-engaging the two Germanys and reuniting Europe.

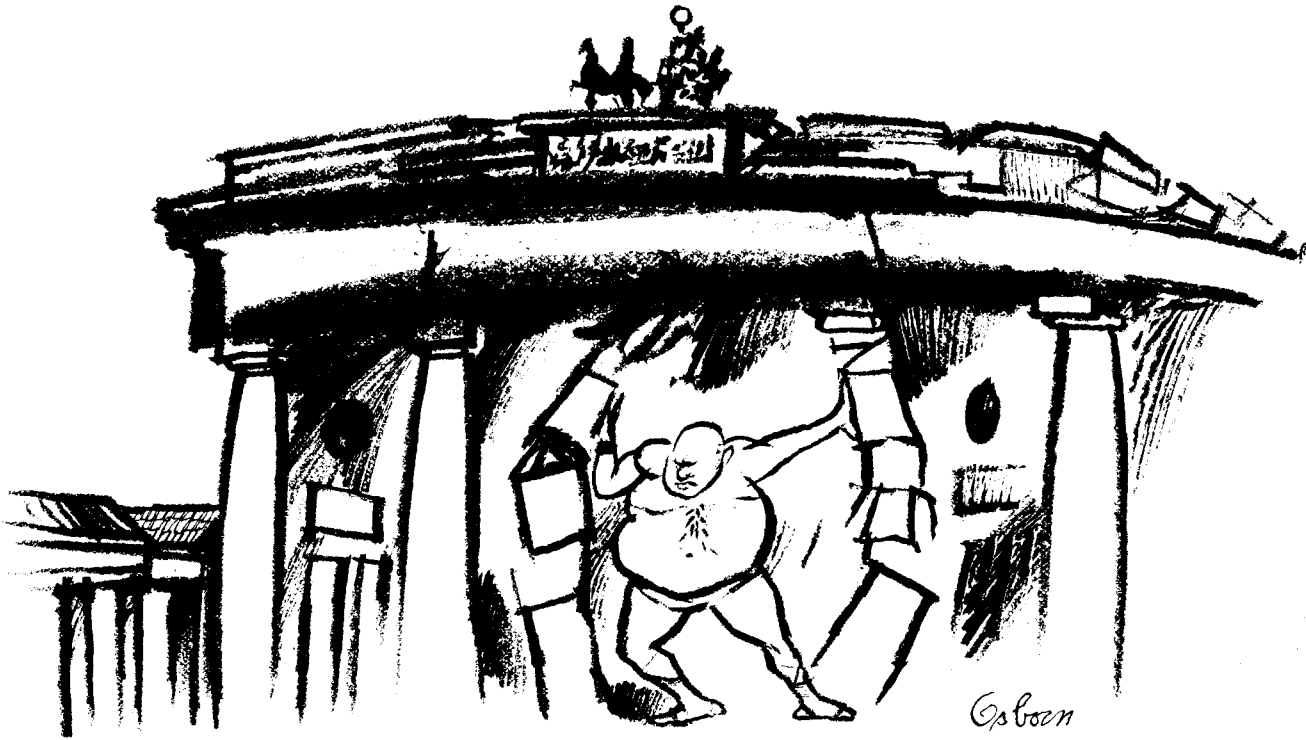
Need for a Wider Settlement

It should be clear from the foregoing that the West does not have a strong bargaining position on Berlin, both because of its past failings and because of the vigor, agility, and subtlety of the current Soviet political and diplomatic offensive. The most to be hoped for from negotiations restricted to the Berlin issue is that the freedom of the West Berliners can be salvaged.

But at best this would be temporary; over the years the city would undoubtedly be engulfed by the hostile world around it. Berlin's future, indeed the prospects for the West in Central Europe, depend upon the ability of the leading NATO powers to work out a wider settlement, one which can be maintained through a series of difficult negotiations over a period of years. Negotiations among the allies toward this end will be taxing President Kennedy's chief foreign policy aides as much as will the talks with the USSR to follow.

Bonn above all will have to face realities. The East German regime will have to be accorded at least *de facto* recognition to safeguard West Berlin's freedoms. A logical concomitant of this will be an adjustment in Bonn's negative stand on relations with the other satellite countries. In order to restore normal relations with her Eastern European neighbors, the Federal Republic will finally have to recognize the permanence of the Oder-Neisse boundary. De Gaulle has already stated that this should be ratified as the final demarcation line. Washington and London share his view but have not recognized the line in deference to Chancellor Adenauer's pleas that this would weaken his party's support, constitute a unilateral concession, and waste a valuable card to be played in negotiating German unity. The value of the card has in fact steadily diminished. Meanwhile Bonn's failure to recognize the boundary has lent credence to Moscow's assertion that Adenauer's government has revanchist aims. This has had a real effect on public opinion in Poland, Hungary, and other states where the present range of choice appears restricted to a Russian or German hegemony, and where the sad but overwhelming preference is for the former. By failing to allay fears of German intentions, Bonn has in effect driven the Eastern European peoples further into the arms of their Soviet captors and made them appear to be their protectors. The Germans have thereby weakened Western influence and created a situation reminiscent of times past when Russian and German governments settled their differences at the expense of the nations in between.

Apart from recognizing the Oder-Neisse line and taking up normal diplomatic relations with Poland, Czechoslovakia, Hungary, and other satellite states, West Germany could be encouraged to abjure the claims of those living in the Federal Republic to return to their Eastern European homelands. Indemnification could be offered Eastern European victims of Nazi crimes on the model of Bonn's payments in the West and to Israel. Along with Britain, France, and the United States, West Germany could offer credits and favorable trade terms to the satellite states to pose an attractive alternative to Communist-bloc trade agreements. These are minimum measures for Bonn to take if it truly wants to adopt a constructive Eastern policy



which will reduce opposition to eventual German reunification. The fears of German intentions must be reduced if German unity is to be restored through peaceful agreements. The only alternative is reunification through a bilateral agreement between Bonn and Moscow (or Pankow) which would result in a sudden and dangerous reversal of the balance of power. To insure the West against this danger, Washington would be well advised to urge the new Bonn government to recognize the Oder-Neisse line and take other steps to reacquaint itself with its eastern neighbors.

Would the Germans be shocked by such blunt talk from the Kennedy Administration? On the contrary, they expect it. A Hamburg weekly, *Die Zeit*, recently informed its readers: "The decisions will be taken in Washington. The times are over when Bonn held the right of veto." The myth that this might plunge the Germans into neutralism is being perpetrated by those who wish to forestall any change in Western policy.

For years only a handful of commentators have had the courage to say it, but now it has become fashionable to point out that the Western powers have only been paying lip-service to the goal of German reunification and that the so-called "policy of strength" has hardened the division of the country. More general recognition that West German rearmament and inclusion in NATO have been at the expense of an evolution toward German unity is to be welcomed. But unfortunately there is now an alarming tendency to conclude from this that the division of the country is "permanent," on the grounds that reunification can only take place with Soviet Russia's acquiescence and

that the Russians are implacably hostile to the proposition. Thus, the *Manchester Guardian* and *New Republic* correspondent in Bonn, Terence Prittie, wrote in *The New York Times Magazine* (August 6, 1961) that the Soviet offensive against Berlin is intended "to consolidate the Communist satellite bloc in Central Europe – which necessitates, incidentally, the permanent division of Germany." Statements like this confuse the effects of Western policy with the aims of Soviet policy.

The immediate aim of Soviet policy is to stabilize the East German regime and to consolidate those parts of Europe won for Communism by the Red Army in World War Two. Should the Russians succeed, they will have laid a sound basis for extending their influence into Western Europe through economic, political, and diplomatic efforts. Moscow's assessment of West Germany's future course is crucial in this connection. The Soviet leaders, and perhaps they alone apart from most Germans themselves, do not believe that Germany can or will be permanently partitioned. Their goal remains German unification on their own terms, or on terms as close to these as real power factors and opportunities permit. There are many signs that the Russians believe the West Germans will sooner or later be prepared to deal with them for the unification of their country, and Moscow can take steps – for example by forcing Ulbricht out of power – to encourage this. But the Russians know that the Germans will take such a direct and drastic step only after their hopes for incorporating the Soviet Zone in the Federal Republic have been smashed, and only after they have become convinced that their Western allies are un-

willing or incapable of taking resolute initiatives to achieve reunification.

Is this analysis correct? There are reasons to believe it is. Adenauer could not be won for bilateral negotiations, but his days as Chancellor are numbered and his successor, be it the politically unsophisticated Erhard, the ambitious and brilliant Strauss, or the sober and starkly realistic Gerstenmaier, might be willing to try. Some West German Roman Catholics and as many Social Democrats shrink from the risks of dealing independently with Moscow, but there are many others

The Three Alternatives

The Russian attack upon the Western position in Berlin implies a commitment to the permanence of the division of Germany. The West can counter this attack by standing firm, by not giving an inch, by pretending that nothing has changed since 1945. This is the position West Germany and France have taken.

The West can go to the other extreme by starting from the assumption that, with Germany being divided in virtual permanence, the Western position in Berlin has become an anachronism. In order to make that position tenable it is then necessary to restore the expectation of German reunification upon which the Western position was originally based. This can be accomplished only by an over-all negotiated settlement with the Soviet Union. The British Government has taken this position, and it must be added in passing that Macmillan follows here in the footsteps of Churchill, as Khrushchev follows in Stalin's. Churchill advocated such a settlement in more than 40 speeches which, insofar as they were reported at all, were dismissed in this country as election propaganda. . . .

The third alternative open to the West . . . consists of a shift in the legal basis for the Western presence. That shift would go in the direction of internationalizing that legal basis by putting it under the auspices of the United Nations and perhaps also that presence itself by adding neutral contingents to those of the Western allies. Berlin would then symbolize less the unity of Germany than the interest of the international community in a Western enclave in the Communist world.

— HANS J. MORGENTHAU, *The New Republic*,
May 11, 1959

who are willing to try, directly, or indirectly through Pankow: powerful industrialists who are lured by eastern markets (including China), publicists, civil servants and politicians anxious to build a "bridge" between East and West in Germany, or determined to restore Germany as a great power by dint of its in-between position. The Free Democratic Party, which now holds the balance of power in the Bundestag, is thoroughly infected with this tendency.

The Federal Republic will, of course, pursue its self-interest, but the US need not collaborate at the expense of its own interests. Since a West German government will only feel self-confident enough to deal independently with Moscow when it has built the strongest possible military force, it is of urgent importance for the US and its other allies to continue resisting West German pressure for obtaining control over atomic warheads and for building an independent nuclear capacity.

While guarding against a situation in which West Germany can or feels it must deal independently with Moscow or Pankow, Washington has sound reasons for developing a policy which does more than pay lip-service to German unity. One reason has already been given: reunification is a legitimate German interest; and the only hope of maintaining the integrity of the NATO alliance is to provide for the vital interests of its members. But second, and closely related, the Federal Republic, apart from the USSR, is Europe's strongest power. The Germans are a vigorous and ambitious people. Laboring with the continued grievance of partition, the Germans could become a greater danger to peace than they would be in a reunited country that has accepted limitations on armaments and restrictions on alliances. An East-West accommodation at Germany's expense cannot last; Russia is bound to exploit the Germans' grievances.

Third, only in the framework of a reunited Germany can the US extricate itself from a highly vulnerable position in Berlin and solve that city's problems.

Fourth and finally, only through a wider settlement re-establishing a united Europe can the peoples of the satellite states gradually gain greater independence and a measure of control over their destinies.

The only plan for German reunification that stands a chance of eventual acceptance by the Soviet Union and other Eastern European nations is one of gradual social and economic re-engagement between the two Germans, culminating in free elections on a formula guaranteeing representation in a new national government for both parts of the country. In the best of circumstances this re-engagement process will be hard and long. To create the conditions in which the process can start, and also to reduce the dangers of a world conflict igniting in Europe, it will be necessary to revive proposals for a nuclear-free and neutral zone in

Central Europe. Discussions along this line could start immediately. A wide settlement which requires the withdrawal of Russian, American, British, and French forces from East and West Germany, Poland, Czechoslovakia and possibly Hungary; the withdrawal of these states from NATO or the Warsaw Pact; and acceptance by them of strict arms limitations to be inspected either by the four major powers or under UN auspices, could eliminate the immediate threats to peace and lead to reunification of Germany and Europe.

Walter Lippmann, who has advocated this approach, states that it "has few official supporters" because it seems too venturesome. "It is venturesome," Lippmann admits, "but nothing ventured, nothing gained." And, one might add, if nothing is ventured in these critical next months everything may be lost. Those, like Dean Acheson, who assert that the *status quo* is better than anything that could be negotiated fail to see that a *status quo*, in any meaningful sense, does not exist in Central Europe. The Western position is eroding. Simply rededicating ourselves to lofty principles, re-arming, and proclaiming that we still stand pat will not help us achieve our aims and cannot prevent the Rus-

sians from achieving theirs.

Those who claim that the capacity to conduct missile warfare has made disengagement proposals inapplicable and useless have apparently lost confidence in the primacy of political over military policies and therefore cannot believe that by making a start on solving key political problems in Central Europe the danger that missiles will be used will also be reduced.

Finally, there are those who claim to know that the Russians will not accept any new Western proposals and that there is, therefore, no sense in making them. This counsel of despair has often dominated Western thinking and has led to diplomatic inaction, which actually encourages Soviet political offensives. Until proposals are discussed with Soviet representatives one cannot know what their reactions will be to them. Moreover, once a sound Western plan is worked out, it can and should be maintained resolutely even if the initial Soviet reaction is hostile. For even the Soviet leaders are given to doubts and second thoughts, and an active Western policy in time may make them more susceptible to persuasion. After all, their world as well as ours is at stake.

II. The Demand for Recognition

by Lennart Hirschfeldt

When Stalin started the Berlin blockade, the most important aim seems not to have been to force the Western Powers out of Berlin, but to force them to give up the decision to build a new German state in the Western zone of Germany. The price which Stalin was attempting to exact for allowing the Western Powers to remain in Berlin was the renunciation of the concept of the West German state, and the acceptance of Soviet strategy for Germany. In connection with this, the Soviet Government tried hard to impede work for the reconsolidation of Western Europe which had just been given a strong boost with the Marshall Plan. It was essential for Stalin to attempt to defeat these efforts, partly in order that the Soviet Union could remain an influential partner in the control of West Germany and the important Ruhr industries.

This Soviet policy, as represented by the blockade of Berlin, was defeated by the airlift and the counter-blockade of the Soviet zone in Germany which forced Stalin to give up and retreat to the other side of the Iron Curtain. The Western Powers were then able to

go ahead with their own German policy, and the formation of the West German state in autumn 1949 represented the decisive defeat of contemporary Soviet plans for Germany.

Since then years have passed in deadlock on the ultimate question of the reunification of Germany, while two separate states were evolving on either side of the demarcation line. The Western Powers have insisted that the basis of reunification should be free elections in the whole of Germany and that reunified Germany should be completely free to determine her internal and external policies – that is to say, capable of taking over West Germany's membership in NATO if she chose to do so. The Soviet Union has rejected free elections – which at any time would have resulted in catastrophe for the East German satellite – and demanded the neutralization of Germany.

In this situation, and after it had become clear that the partition of Germany was tending toward permanency, Soviet policy adopted a secondary aim. If it had become impossible to aspire for control over a neutral-

ized Germany — thereby making an absurdity of the NATO defense system in Europe — it was essential to have the partition confirmed and the democratic bridgehead inside Communist territory in Berlin liquidated. This has been the main Soviet objective in Europe since autumn 1958, and earlier, when Khrushchev first demanded a Western retreat from Berlin. It should be stressed that this remains a secondary aim from the long-term Soviet point of view. That Moscow has been forced to give up — at least temporarily — the primary objective of separating West Germany from NATO is after all a victory for Western policies.

When Khrushchev started his Berlin offensive in the autumn of 1958, he threatened to act on his own initiative if the Western Powers did not accept his proposal to neutralize and demilitarize West Berlin within six months. But he did not fulfill this threat. Even after the debacle of the foreign ministers conference in the summer of 1959, he seemed satisfied to let time work, which accounts for the so-called Camp David atmosphere widely heralded after his visit to the United States in autumn 1959. During 1960 he was still passive, undoubtedly wanting to test the new American President before resuming the offensive in Germany.

The moment arrived at his meeting with President Kennedy in Vienna last June. There he stated his demands: a German peace treaty, including Western recognition of the East German state, and alteration of the Western position in West Berlin compatible with the setting up of a "free city" in a Communist sea. Khrushchev backed up his demands by reasserting that the Soviet Union would, in any case, make a peace treaty with East Germany before the end of the year at which time full sovereignty over all its territory, including ground and air corridors to West Berlin, would be given to the East German Government. During August the Soviets went from words to deeds.

The first phase in the plan, the isolation of West Berlin from East Berlin, was concluded at the end of August when the East Germans lost all possibility of escape from their prison-state by passing from the Eastern to the Western zone. We are now in the second phase, the aim of which is to isolate West Berlin from West Germany. It was initiated by Soviet notes at the end of August and by the message conveyed through Drew Pearson. In this message Khrushchev restated his "free city" proposal which would be guaranteed by allowing Western troops to remain in the city. However, Soviet troops would also be present in the city, marking a Soviet advance in itself. If there could be agreement on this proposal, Khrushchev would offer agreement with East Germany regarding unhampered communications for the Western garrisons.

The meaning of the offer becomes clearer when viewed in the light of the Soviet notes which underline

a determination not to allow free communications for the allies to be used for free contacts between West Berlin and West Germany. Khrushchev talks about the sovereignty of West Berlin as if it were a third Germany in whose affairs no outside power should have the right to intervene. The meaning is that West Berlin should not be regarded as associated with Bonn. The guarantee against external intervention is directed against Bonn, and the intention is clearly to break the political connections which exist between Bonn and Berlin. If the Russians succeeded in this plan, the inevitable economic consequences would seal the fate of the city. Step by step West Berlin would succumb under pressure from the surrounding environment. And if not, if the strangulation of West Berlin proved more difficult than anticipated, Khrushchev could always precipitate a new crisis by invoking the same principle which he has applied in questioning the Western position in the city: that Allied rights are based on an antiquated agreement pertaining to a situation which in truth no longer exists.

A Bargain of Value to Both

The Western powers have made clear their willingness to negotiate, but not to compromise the freedom of West Berlin and their own right to defend it with their presence and unhampered communications. The immediate problem devolves upon finding areas for possible concessions which could be offered in exchange for an agreement providing West Berlin with the necessary guarantees for the future. The crucial question is: what can the West offer without jeopardizing its own essential interests and commitments, at the same time presenting the Soviet Union with a program interesting enough to make a bargain worth striking?

The offer first made in 1959 to restrict propaganda and subversive activities in West Berlin and to impose a ceiling on the allied troops stationed in the city is certainly not enough in itself. It was refused by the Soviets when first proposed, and their appetite has been whetted by the successful digestion of East Berlin.

Western recognition of the Oder-Neisse frontier has been considered as a negotiable point; President de Gaulle recommended the move on his own initiative more than two years ago. There are few concessions that the Western Powers are capable of offering which would represent less of a sacrifice to their own positions, since this frontier cannot be revised short of a major holocaust, and since the area in question has become a thoroughly well-integrated part of Poland. There was not much chance of discussing openly such a transaction before the German elections; now they are over there is scarcely any other reasonable alternative. Long-term considerations also recommend this

step: to act as if the Oder-Neisse frontier were still open to revision in the eyes of the West is to make the Russian alliance compulsory for Polish nationalists.

However, the Oder-Neisse does not by itself offer up a miraculous solution to the Western dilemma in Berlin. Even if Western recognition of the frontier would represent a diplomatic triumph for Khrushchev to present to the forthcoming 22nd Congress of the Soviet Communist Party in October, it is fanciful to imagine that he would be willing to pay too high a price for acceptance of this *fait accompli*.

Other possibilities for negotiation have been mentioned in connection with the old idea of a demilitarized zone in Central Europe, to include Berlin, and with alternatives such as the Rapacki plan for an atom-free zone extending to the two Germanys, Poland and Czechoslovakia. That guarantees against the atomic arming of Western Germany are of substantial interest to the Soviet Union – and therefore a negotiable subject – is obvious, but for the West to rest its hopes on achieving any comprehensive agreement with the Soviet Union would be utterly Quixotic. The history of Soviet behavior on disarmament is one of unmitigated insincerity, and the insistence that only their own plan for universal disarmament holds any validity is identical to saying there is no Soviet interest in disarmament at all, as it pertains to itself. However, a limited arrangement on German atomic weapons does offer some scope for bargaining.

This leaves only the far-reaching question of recognition of East Germany. It could be maintained that Western recognition of the East German state would be worth little more to the Soviet Union than recognition of the Oder-Neisse line since it is no less a *de facto* situation, but the analogy would be misleading. In the Soviet view, international recognition of its East German satellite would amount to a substantial achievement because it involves the implicit renunciation of the principles of German self-determination and reunification on the basis of free elections. It would advance the status of East Germany from an actual to an accepted fact, and for Khrushchev personally, whose prestige is deeply involved in his Berlin policy, it would bring victory and confirmation.

Premier Nehru voiced a widespread neutralist view at the Belgrade conference when he recommended a compromise based upon the recognition of the two Germanys, with West Berlin remaining attached to West Germany. And the feeling that some form of recognition is in the cards is difficult to escape. That this would represent the end of hope for reunification on terms acceptable to the West is true, but unlike Gerald Freund, I believe no such hope is within the realm of possibility. If the only two alternatives are indefinite partition or a neutralized, reunited German state –

which at will could adopt a pivotal policy between East and West as the Imperial, Republican and Nazi Governments have, on occasion, before – then the dangers to West European democracy inherent in the latter course would strongly recommend continued partition instead. The future and security of Western Europe is rooted today upon the development and extension of political, economic and military cooperation between Britain, France and West Germany, and much effort and progress has been made. It would be lost the moment West Germany were compelled to bow out, leaving France alone on the Continent. The concept of German reunification, mythical or real, is not worth this price.

Blackmail May Follow

However, this is not the end of the argument, and as a possible concession to be made in negotiations over Berlin, recognition of East Germany is not foolproof; it will depend on Khrushchev. The fact that some form of *de facto* recognition is so much in the air prompts an ominous suspicion that the Soviet Union may no longer be prepared to pay too high a price for it. Even *de jure* recognition might, conceivably, be insufficient to persuade the Soviets to retreat in Berlin.

However imperative the attempt to find a solution, it cannot be denied that the outlook for successful negotiations in Berlin is rather bleak. Khrushchev still commands the offensive, and it would be quite possible for him at any time to carry through with a separate peace treaty with East Germany, without waiting for negotiations, in order to negotiate later on the basis of a new *fait accompli*. Such an action would not necessarily provoke an immediate crisis. The East German authorities might assume nominal control, but the Western Powers could and would simply follow the old Dulles formula of regarding them as Soviet agents.

The crisis would arrive when the East German Government began blackmailing the Western Powers by making formal recognition a condition to unimpeded communications. The West would then have the choice of taking its stand and breaking through, risking full-scale war with the Russians who have promised military help in such a case, or succumbing with the certain expectation of new pressures in the future directed toward a total retreat from Berlin.

As for any direct action against West Berlin, the West will have no alternative whatever. For what would then be at stake would be not only the freedom of West Berlin – though the fate of two million people is good reason – but the ultimate standing of democracy in the world political struggle. To abandon this population to its fate would represent a moral and political disaster for world democracy and for the Western Alliance in Europe with incalculable consequences.

The Military Problem

I. Choosing Our Weapons

by Morton H. Halperin



Premier Khrushchev's boast that the Soviet Union is planning to develop a 100-megaton bomb has brought home a major qualitative change in the nature of international politics. While expressing doubts as to the military value of such a bomb, no American expert has questioned its technical feasibility. Thus both sides can now build single weapons with more destructive power than has been exploded in all of man's recorded history. No state can any longer contemplate using all of its military force to defeat an enemy.

One way of dealing with this dilemma has been to assert that war has been rendered obsolete and can no longer be an instrument of policy. We must therefore, this viewpoint suggests, turn to the development of a peaceful world ruled by law. This approach attempts to turn what is seen as a necessity into a reality. It asserts that because war would be terribly destructive, it will no longer take place, or that because man cannot rationally use all of his military force, he will use none of

it. Unfortunately, as the current crisis in central Europe makes clear, war has not been banished from the minds of men, and force still plays a major role in the settlement of international conflicts.

But just what that role is, is bewildering. It is no longer possible to add up airplanes or men under arms or missiles or nuclear weapons and determine which side is militarily stronger; yet since military strength does make a difference, both the US and the USSR have had to come to grips with this problem of how force might be used in an era of an abundance of destructive power. The relative strength of the Soviet Union *vis-à-vis* the Western bloc has changed radically since the end of World War II. From a position of major military inferiority, Russia has progressed to the point where the debate in the US is no longer over whether or not we are stronger than the Soviets, but rather over: "Are the Soviets stronger than we are?"

But as the crisis has dragged on, it has become clear

that the Russians, as much as we, are still groping with the problem of how one can apply force without unleashing the major thermonuclear war that neither side wants. Khrushchev still seems determined to exploit Soviet military power to weaken the Western position in central Europe. So far he has sought to do so by blackmail threats and by alternately playing the madman and the conciliator. The central problems facing the United States are how to cope with these threats without having to resort to force and without bringing on a Soviet use of force, as well as how to limit the use of force should war come.

The perception of the relationship between military force and the defense of political positions has changed radically from the Eisenhower to the Kennedy Administrations. Eisenhower completely ruled out, at least verbally, the possibility of a ground war in defense of Berlin. In his now famous press conference in March, 1959, President Eisenhower asked what good it would do to send a few more thousand troops or a few more divisions to Europe since it was impossible to conceive of a ground war in Europe. At the same time, he ruled out the possibility of the United States initiating global war over Berlin. Moreover he frequently talked of the horrors that would be suffered by both sides in a global war ("unthinkable"), and seemed to imply that neither side would deliberately launch such a war.

Nonetheless, President Eisenhower warned of the danger of thermonuclear war over Berlin. Thus, on one hand he seemed to be ruling out either local war or global war in defense of Berlin, and on the other hand he was threatening the Soviets with global war should they seek to wrest Berlin from the West. His Administration was determined to defend Berlin, yet it was not clear how it could use military force in its defense.

Yet, in an important way, the Eisenhower Administration *was* depending on military force to defend its position in Central Europe. While by implication it ruled out the deliberate initiation of war by either side, it warned the Russians that if they pressed too hard diplomatically, the situation might get out of hand. It was, in effect, relying on the danger of an inadvertent general war to protect its interests: war might occur even though neither side desired it. But the Eisenhower Administration failed to realize that while the threat of inadvertent war might perhaps restrain the Russians, so would it restrain us in our attempts to deal with tactical moves by the Soviets. And in trying to meet the Soviet threat in Berlin only on the diplomatic level (and there not very effectively) and only with half-conscious threats of inadvertent general war, the Eisenhower Administration revealed its lack of appreciation of the importance of both strategic and tactical military power in present circumstances.

The Kennedy Administration has by no means abandoned reliance on the threat of an inadvertent general

war: while stressing the destruction that would occur to both sides in the event of global war and accepting the need for negotiated settlement, President Kennedy has also warned of the possibility of the Berlin crisis exploding into a global war that neither side wants. However, the President and his top advisers have seen that it will not do to rely exclusively on the threat of inadvertent war to deter the Russians from major diplomatic or tactical military moves against Berlin, and have recognized the importance of the strategic and tactical military power which the two sides have.

Calculation of Intent

Although the "missile gap" received some attention in the Presidential election campaign, most Americans seemed to view the problem as one of prestige, of simply a felt need to be as strong as the Soviets. Its military significance, if any, was seen in terms of deterring a Soviet massive strike against the United States. But the relationships of the two sides' strategic forces to each other may well have an important impact on the outcome of the Berlin crisis. How close to the brink of war we are prepared to go, and how far we are prepared to raise the level of tensions (and these tactics may be crucial to success in the crisis) will depend to some extent on how likely it is that the Soviets could initiate a successful first strike.

If we know, and believe that the Soviets know, that in striking first they could destroy virtually all of America's strategic forces, then we will be forced into a much more cautious position. The Soviets, insofar as they do not fear an American first strike, and insofar as they believe that if necessary they could execute a successful first strike of their own, are likely to be much more belligerent in a local crisis than they would be in a situation where the United States could strike first successfully. If the United States had devoted serious attention to the problem of developing invulnerable retaliatory forces several years ago when the problem first became acute, we would now be in a much better position to take whatever steps are necessary to defend our position in Berlin. While probably adequate to deter a calculated Soviet first strike, American strategic forces are nevertheless in a relatively vulnerable position and would have a good deal of difficulty in remaining invulnerable during a prolonged crisis. Perhaps one of the major lessons, therefore, which the Berlin crisis should teach us is *the need to develop strategic forces which can remain invulnerable during a prolonged crisis*, and which can do so without being provocative, without suggesting to the enemy that we may in fact be about to strike.

Without abandoning the implicit threat of global war as a means to deter Soviet actions in Berlin, and while seeking to increase the invulnerability of our strategic

forces, the Kennedy Administration has also attempted to develop ways of using military force to influence directly the course of the conflict over Berlin.

Unlike the Eisenhower Administration which thought that a few thousand troops would be useless and a few divisions practically impossible to raise, the Kennedy Administration has committed itself to substantial reinforcement of American forces in Europe. After a careful assessment of the value of nuclear weapons to the West on the continent of Europe, it has decided to place major reliance on conventional forces. It has sought to "raise the threshold" under which it could tactically check Soviet military action without the introduction of nuclear weapons. Rather than ruling out any possibility of a ground war in Europe, the Kennedy Administration has by its action rated such a war as having reasonably high probability and has taken steps to improve the ability of the NATO alliance to fight a conventional war. It has thus recognized that, in a period when both sides may not want to use their strategic military power, the ability to bring force to bear selectively and locally, on the battlefield, may prove to be crucial.

Now, of course, this Administration has found it politically impossible to withdraw the commitment, made by President Eisenhower, to use nuclear weapons without seeming to be in full retreat. And so, the US has continued to stress that nuclear weapons would be used, if and when necessary. This policy, however, implies a belief that there are likely to be circumstances in which the introduction of nuclear weapons would be to the tactical advantage of the United States. And it implies a belief, or hope, that American use of nuclear weapons would not be reciprocated by the Soviets. It would, however, be foolhardy to count on their being employed by only one side. And few military analysts believe that a symmetrical use of nuclear weapons by the two sides in Central Europe would be to the advantage of the United States in terms of influencing the outcome of the tactical military battle. Moreover, as General Phillips suggests in his article, the Western position in a conventional war in Central Europe may not be as hopeless as we have been led to believe.

Sharing the Risk of Total War

The political effect on the Soviets of the use by the West of nuclear weapons is perhaps the main motive for considering their use, or the threat of their use in Central Europe. Yet the use of nuclear weapons would significantly increase the danger of inadvertent general war. If fighting began over Berlin, both sides would from the outset be acutely fearful of the possibility of its exploding into a global war. The use of nuclear weapons would substantially increase these fears. A

purpose, albeit a risky one, of using nuclear weapons in the event of violence over Berlin would thus be to *increase the shared risk of total war*, to suggest to the Soviets our determination by an action which increases the risk of a war which neither side wants.

But if we want to use nuclear weapons to increase the shared risk of total war, we should keep this purpose explicitly in mind in determining *how* to use them. We may want to explode a nuclear weapon in a dramatic way unrelated to its tactical implications on the battlefield. And, if our purpose is to generate pressures on the Soviets to stop the war, to demonstrate our seriousness — we may want to make a single strike at some target in the Soviet Union. In fact, to get our message across, it might be important not to use the weapons in a way that appears to be tactical.

Let me repeat, however, that employing nuclear weapons in this way could be extremely dangerous. First, it may succeed too well and actually trigger global war. Second, we may find that, by increasing the shared danger of thermonuclear war, we have also unleashed great pressures on the West to give in and to settle for a *status quo* based on the intervening tactical military battles. We may find that having generated extreme tensions we, as well as the Soviets, are forced to cease fighting, and that the military battle line becomes the only possible armistice line. Thus, if we try to introduce nuclear weapons for political reasons after the tactical battle has gone against us, we may find the procedure backfiring.

I have been concerned here with the broad military problems of the Berlin crisis, the relationship between diplomatic and military moves. In contemplating the use of nuclear weapons should a war break out, but also in stationing our forces, in maneuvering them, in equipping them, and in making declaratory statements about our intentions, we need to recognize this relationship. If we do intend to rule out the use of tactical nuclear weapons in certain situations, we need to make that clear to the military long before the time arises when the nuclear weapons might be used. The military needs to understand the kinds of pressures which the civilian leaders must take into consideration in determining the proper role of military force. At the same time the civilian must understand the tactical military value of various weapon systems. He needs to understand how they might be used not only to influence the tactical military situations but also to convey what he intends to convey to the opponents as to American intentions and capabilities.

In the end, political skill and determination is what will decide whether we have peace or war and whether we obtain our objectives or suffer defeat in Berlin. But the way we use our military forces, both strategic and tactical, may save us from disaster or spell our doom.

II. Berlin Can Be Defended

by Thomas R. Phillips

There's a favorite story of Mayor Willy Brandt. In a conversation between a British General and a Russian General, he relates, the former said:

"We could give you quite a show for a couple of hours."

"Surely, not for more than 10 minutes," the Russian replied.

"Why don't you act, then," the Englishman asked.

"Ah," said the Russian, "the consequences."

The defense of West Berlin, and of Western access to West Berlin, depends upon the willingness of the Western alliance to go to war (the consequences), if necessary, and upon its ability to convince the Soviet leaders that any substantial infringement of the freedom of Berlin and of Western rights of access will be cause for war.

"Berlin has always been untenable as a military position," General Maxwell D. Taylor, then Army Chief of Staff, and now the President's military representative, testified before the Senate Preparedness Subcommittee March 13, 1959, during the previous Berlin crisis. "It is over 100 miles inside the Iron Curtain. It is an island surrounded on all sides by superior forces. A surprise attack, or an attack with warning, could never be effectively resisted locally by military means."

"Would we go as far as general war?" Taylor asked himself. "In my mind the answer is clear as crystal; namely, that we must be willing now to make up our minds to use all the force necessary to secure the lives and safety of the 2,500,000 Germans to whom we are committed inalterably in language that cannot be compromised."

"I don't suggest for a moment that Berlin is not defensible. It is defensible through our clear determination to go all out, if necessary, in any kind of military operation which might be required by the situation. Berlin can be defended and, in my judgment, it must be defended."

President Kennedy expressed the same point of view in his report to the nation, July 25. "I hear it said that Berlin is militarily untenable," he reported. "So was Bastogne. So, in fact, was Stalingrad. Any dangerous spot is tenable if brave men will make it so."

Taylor was worried about indirect aggression. Asked by Senator (now Vice President) Lyndon B. Johnson if

the Russians "had any doubt but that we do mean business," he responded: "I think they know that we will resist if we are directly attacked. I think they may hope to present ambiguous challenges about which we might be uncertain."

The action of the East German Government August 13 to seal off traffic of East Germans to West Berlin was just such an ambiguous challenge. Western allied movement was not affected. It was a final move to complete the separation of East Berlin from West Berlin. So many other moves of a similar nature have been made over the years, without serious Western objection, that the culminating act was difficult to challenge.

Taylor also said that "from the military point of view, it is obviously wise to make your precautions early. On the other hand, in order to increase our overall strength significantly, we will have to call on our reserve forces. In other words, a declaration of emergency would have to be made, and the impact both at home and abroad would be very great. . . . I think the time has come to disregard the fear of alarming people, and to do openly those things which should be done, both as a prudent measure of preparedness and the firmness of our intent."

This is what the President has done. In addition to two previous increases in the military budget, on July 25 he added another \$3,247,000,000. He provided for an increase of 133,000 men in the Army, 29,000 in the Navy and 63,000 in the Air Force. Reserve and National Guard units have been alerted for possible call and others for increased training. Three Army training divisions are to be brought up to full combat effectiveness to replace the present strategic troop reserve if it is sent overseas. There may be more than one crisis spot if the Berlin issue comes to a full-scale crisis. Additional supporting forces numbering about 40,000 men are being sent to Europe. This is a replacement of some of the "fat" that ignorant operators have slashed from the Army. A third battle group of 1,500 men went by road to increase the garrison of West Berlin, bringing the total to about 13,000 men.

These are genuine preparations to deal with a military crisis. They are not propaganda moves only, even though it is hoped that they will convince the Soviet leadership that the United States is fully determined, as

the President said, not to "permit the Communists to drive us out of Berlin, either gradually or by force."

Convincing Nikita Khrushchev that the US and its allies are determined to defend West Berlin and their access to it has not been easy. Khrushchev and the Communist bloc have gained an arrogant self-confidence in the military superiority of the Soviet Union. Khrushchev is playing at brinkmanship in a far more free-wheeling fashion than ever did the late John Foster Dulles.

Intolerable Provocation?

In an address November 27, 1958, precipitating the earlier Berlin crisis, Khrushchev said: "Any violations of the East German Democratic Republic, any aggressive actions against any member state of the Warsaw Treaty, will be regarded by all its participants as an act of aggression against them all and will immediately cause appropriate retaliation." (This referred to published reports in United States papers about plans to push an armed convoy through to Berlin if a new blockade was attempted.)

"We are at a turning point because the balance of strength has changed in favor of the Soviet Union and of the States of the Socialist camp," East German Communist Party Secretary Walter Ulbricht chimed in a week later.

"The balance of forces has changed considerably to the advantage of socialism," Khrushchev declared May 8, 1959. "Any military adventure of the imperialists is doomed to failure. . . . You probably have an idea of how many nuclear bombs with a capacity of three million to five million tons would have to be exploded over the territory of West Germany in order to put it out of action. Obviously not more than eight hydrogen bombs."

"Now it is not the forces of imperialism, but the forces of peace and socialism which determine the main courses and trends of international and social development," he declared July 8, 1961. "The Soviet forces have at their disposal the necessary amount of thermonuclear weapons, the most perfect means of delivery, short- and medium-range rockets, and inter-continental rockets."

His latest deals with the 100-megaton bomb (energy release equivalent to the explosion of one hundred million tons of TNT.) "Scientists have suggested to the Soviet Government," he said August 9, 1961, "that they can create a bomb equal to 100 million tons of TNT — only one bomb. If war is unleashed, we are ready to raise all these resources. This is not a threat, it is a reality. We have spent money on rockets and bombs and they are not for cutting sausage."

Ulbricht, who is still a Soviet citizen, has parroted

Khrushchev's bombast. But his faith seems to be waning. There will be no war, he said in an address September 9, because:

"Firstly, the population of the United States is not in a sufficiently suicidal mood to sacrifice itself for the German revenge politicians, monopolists and Hitler generals;

"Secondly, Great Britain, France and Italy have no intention of making available their countries as a theater of war for the United States and for West German militarism and having them turned into a nuclear desert;

"Thirdly, large parts of the West German bourgeoisie understand already that they are not able to fight alone and that the majority of the West German population will not follow the Bonn government along such a disastrous path."

Each of these postulates is obviously wrong. The continued alarms and excursions have built up a dangerous degree of irritation of frustration in the principal Western nations. A substantial section of public opinion would like to accept a challenge and get it over with. As Walter Lippmann wrote recently: "However irrational it may be to commit suicide, a nation can be provoked and exasperated to a point where its nervous system cannot endure inaction, where only violence can relieve its feelings. . . . There is a line of intolerable provocation beyond which the reactions are uncontrollable."

"If the latter [the Soviets] want to reduce the positions and cut the communications of the Allies in Berlin by force, the Allies must maintain their positions and their communications by force," President Charles de Gaulle said during a press conference, September 5.

It is reliably reported that Soviet Ambassador Menshikov has been reporting to Khrushchev that the United States would back down before the display of Soviet determination. His advices were not fully accepted. Members of the Soviet Embassy staff in Washington have been out asking questions quite extensively and have been getting quite different ideas than Menshikov reported. There is now valid reason to believe that the Soviet Premier is finally convinced that the allies mean business about West Berlin.

Khrushchev has got a lot of propaganda mileage from his successes in earth satellite launchings and space ships. These attest to a high degree of technical competence, but not necessarily to military power. It is apparent for one thing that Khrushchev underestimates the quantity of nuclear bombardment needed to destroy a nation. When his few hundred rockets have been launched, the United States and its allies still will have thousands of aircraft and thousands of nuclear bombs. If he thinks that he can fight and win a ground war in Europe, he may find that his long

lines of communication through hostile satellites are a weakness that will require half his troops to protect. The military balance between East and West is not so adverse to the West as it is made to appear too often.

If Khrushchev signs a peace treaty with East Germany and carries out his threat to make Berlin what he calls a free city, the Western allies will have to negotiate their right of access to West Berlin with the East German government or get ready to fight for it. For Ulbricht has been quite specific about how he views the status of West Berlin. His government, he said, would "have full control of all traffic on land, on water and in the air." Unless the allies want their traffic to be halted, they must negotiate with him. Planes flying across East Germany to West Berlin "will be invited to land." On the pretense that it is not safe to fly into Tempelhof airdrome in West Berlin, Ulbricht demands that the airfield outside East Berlin be used. This will permit the East Germans to check all passengers to and from the West and to arrest the "revenge seekers, fascists, provocateurs" – in a word, any non-Communist German from West Germany or Berlin.

The allies will not accept these conditions, nor the right of East Germany to check passengers flown in to and out of West Berlin. The issue can develop from an attempt to blockade the highway to West Berlin or from an effort to force down our passenger aircraft.

It should be noted that the military situation is quite different now from what it was in 1948 when resort to an airlift saved West Berlin. Soviet military power, though superior in conventional forces then, was greatly inferior in strategic striking forces. The Russians had no nuclear weapons, nor any long-range bombers. The United States had sent 30 B-29 bombers to Great Britain and had atomic bombs for some of them. Stalin had to admit defeat in his effort to take over all of Berlin. He did not dare contest the airlift with fighter aircraft. It can be seen now that if the United States had done then as General Clay recommended, send a convoy through by road protected by a military force, the movement would not have been resisted.

Today the balance of forces is more nearly even. Khrushchev has a deterrent, even as has the United States. He is quite capable of shooting down a passenger airliner that does not land at Ulbricht's "invitation." The allies will have to be prepared to fight in the air, as well as on the ground, in case of a new blockade. There are now technical means to jam radar controls if flying is attempted in bad weather. It will not be feasible to keep fighter planes on patrol over the air corridors to Berlin. The fighters will have to stay over West Germany and be ready to fly to protect a threatened commercial plane. Since fighter speed is 15 miles a minute, it can respond rapidly to an emergency call.

The air control for all Berlin is in West Berlin. It

handles the traffic for all airfields around Berlin and is managed by personnel of all four occupation powers. An effort will be made by the East German government to take this over as a matter of sovereignty. Actions of this nature and others that are proposed by East Germany, such as shutting down the radio station, RIAS (which is in the US sector), and closing refugee camps, may have to be resisted by force. Therefore, although our Berlin garrison cannot successfully resist a full-scale military move, it will need at least its present strength to deter moves by East German police or military forces to carry out such actions.

Initial allied military action, should it become necessary, would be to accompany air flights to Berlin with fighter patrols and to get ready to break through any effort to deny the use of presently agreed upon highways to Berlin. Some of the non-military students of the problem, while admitting that an airlift is not feasible to maintain supplies to and exports from West Berlin, still favor any effort to break a refusal by the East German government to permit access, by resorting to a protected airlift. They reason that a few aerial combats do not pose the same danger of expansion of the fighting that ground force operations would.

But even if this were true, the military argue, the result would be inconclusive. Successfully protected airplane flights would not establish the right of allied access. They would not provide for the necessary imports and exports needed by West Berlin to exist. Unless all means of access are protected equally, the Western powers will have surrendered their rights.

The main military effort would be to open up the



highway from Helmsted, West Germany, to West Berlin. If an allied military convoy, which regularly goes to Berlin by highway, were stopped at the check point by military force, it would be necessary to have military force available to insure the movement. If no force was used at the checkpoint, but the convoy ran into a road-block, military engineers should be available to remove it. If the road block were defended by an East German military force, this force would have to initiate hostile action. The Western forces protecting the convoy would then be able to return the fire in self defense. The first military move would have to be made by the East Germans.

If a Conflict Spreads

The probabilities are that military conflict would end at that point and a compromise would be effected. If the conflict did not stop at that point, there are three possibilities to consider. These are:

1. A fight of greater or lesser intensity between the NATO central European powers and the Soviet and East German forces limited in scope to the use of conventional weapons and confined to German soil;
2. An expansion of the conflict to a general European war with conventional arms;
3. A further expansion to a world war using nuclear weapons.

Is a conventional war possible in Europe? Military opinion is divided but the conviction is growing that it is possible. If a small conflict with conventional weapons were started in East Germany as a result of East German efforts to prevent Allied access to West Berlin, it is unlikely that either side would resort to the use of tactical, or small, nuclear weapons. They are not small in reality. They are very large and have a wide and non-selective destructive area compared to conventional explosives. But if one side initiated their use, the other would respond, and in heavily populated Europe the civilian population would suffer more than the military forces. Furthermore, the Soviet concept of nuclear war is different from ours. They do not consider the use of small nuclear weapons as sensible, but as wasteful, and have not equipped their ground forces with them. Why use hundreds of such weapons, wasteful of fissionable material, when a single 10-megaton bomb could wipe out the military forces in an area of 300 square miles?

The balance of forces in being in Germany itself is not unfavorable to the West. There are believed to be 18 or 20 Soviet divisions in East Germany, half armored and half mechanized. The East German forces, some of them so unreliable that they are brigaded with Soviet troops, amount to about 60,000 men. The NATO forces consist of 22 or 23 divisions of which

17 or 18 are effective, ready and well trained. The five United States divisions are the equal of 10 ordinary European divisions due to the reenforcement of firepower in corps and army echelons. The Soviet forces also have additional artillery and antiaircraft divisions.

A conflict with conventional weapons – considering only the forces in being in Germany – would not find the Western powers in a particularly unfavorable position. The Russians have, however, much greater resources to call on in the form of ready divisions in Western European Russia than can be made available to the Allies. The Soviet Union also has large numbers of reserves that can be made available in from one to three months.

If, as threatened by Khrushchev, the Warsaw Pact powers join the conflict, thus turning the action into a general European war, at first with conventional weapons, the situation is still not too unfavorable initially. The estimated strength of the satellite forces, in addition to East Germany, is as follows: Rumania, 200,000; Poland, 200,000; Czechoslovakia, 150,000; Bulgaria, 100,000; and Hungary, 75,000. This adds up to a lot of men. But their loyalty is doubtful. Soviet lines of communication pass through these countries and are subject to interruption. Revolts, led by the armies, would be possible in Poland, East Germany and Hungary. It is not unlikely that the Russians would have to use part of their troops to keep order in the satellites and to guard their long lines of communication.

The Soviet Army has from 70 to 90 ready divisions, not all at full strength. They are widely spread over the reaches of the Soviet empire, but a portion of those in the north, Far East, in southern Russia and in the Caucasus can be brought into western Russia. There are another 85 to 100 divisions at cadre strength that can be brought up to full strength within from 10 to 30 days. There are another 125 divisions that can be mobilized in three months. Ground forces are supported by 10,000 tactical, fighter and interceptor aircraft.

Even though the NATO allies have fit manpower of military age numbering 85,400,000 (the figure for the Soviet Union and the Warsaw Pact countries is 58,400,000), the NATO powers have failed to provide military manpower on the scale of the Communist bloc. But there is no reason, except the political unwillingness of the NATO powers to use their manpower, why Western Europe cannot be defended by conventional forces. They had no incentive to put more of their manpower into uniform so long as the United States was defending them by the deterrence of massive retaliation. Now that deterrence is mutual, insofar as the use of nuclear weapons is concerned, they still refuse to make the effort of which they are capable.

This very refusal could be the reason for starting a nuclear war with tens or hundreds of millions killed.

It could come about because the US and its allies were forced to resort to nuclear weapons to defend Europe after the Soviets had mobilized their large reserves.

Although of late Americans have been told a great deal about the missile gap, and it is a reality, the nuclear capability of the US is still awesome, awesome enough to make an opponent pause before starting a conflict that could end in full-scale nuclear war. Disregarding such missiles as are now ready, if half the aircraft of the strategic and tactical air forces got off the ground and if half of these succeeded in penetrating to their targets, the load of explosive they could deliver would amount to about 12,000 megatons, the equivalent energy release of 12 billion tons of TNT. If these were all ground bursts, the fallout would cover about 12 million square miles – more than the entire area of the Soviet Union and the Warsaw Pact powers. If only 10

percent of our aircraft got off and got through the defenses, they could deliver 5,000 megatons.

The point of such a computation is to show that the US, under the worst of conditions of a surprise attack, has a stupendous strategic striking force. Soviet long-range bombers and rockets cannot begin to match the US delivery capacity. The President, therefore, is not bluffing. It is Khrushchev who is bluffing with his talk of 100-megaton warheads – five 10-megaton warheads will cause greater destruction than one 100-megaton warhead. Berlin can be defended, if we are not afraid. Khrushchev is no madman to carry his brinkmanship to war. As de Gaulle said: "It may end in general war. But it would be because the Soviets deliberately wished it, and in that case any preliminary retreat by the West would only have served to enfeeble and divide it without preventing the outcome."

IS IT WORTH THE RISK OF WAR?

Beyond This Crisis

by Louis J. Halle

All of us find ourselves weighing the risk of an inter-continental nuclear war. To avoid confusion in this enterprise, we should be clear from the outset about (1) what we mean by the risk of such a war, and (2) what we have to weigh against it as an alternative.

The first question can be disposed of briefly. When we weigh a risk we have to ask what its magnitude would be in the contingency that we are contemplating. Would it be a 1-in-1,000 risk? Would it be a 50-50 risk? Unfortunately, no exact answer is possible, for what we are dealing with here is essentially incalculable. We would only mislead ourselves, then, by pretending to a greater precision than our knowledge warranted. We have no choice but to depend on rough impressions, such as that the risk is "negligible," or "moderate" or "very great."

We have also to distinguish the immediate from the long-run risk, bearing in mind that we might be able to avoid a small risk today only at the cost of a greater risk tomorrow. (An example is the rejection by the French and British of the risk of war that they thought would result from any move to prevent Hitler's occupation of the Rhineland in 1936.)

What is it, now, that we have to weigh against the

risk of war? Is it, in the current situation, simply the salvation of some two million West Berliners from the threat of Communist conquest? If this were all we would hardly be justified in accepting, for its sake alone, any considerable risk of a war that the West Berliners themselves would not survive, and that might seriously jeopardize the future of our entire species. In fact, however, this is not all.

What else is there?

This is the crucial question, and we had best approach it roundabout. We may begin by noting that our sacrifice of Berlin would not, by itself, eliminate the risk of nuclear war, although it might momentarily reduce it, as the acquiescence in Hitler's conquest of the Rhineland momentarily reduced the risk of war a generation ago.

The risk has a far broader and more established base than the Berlin issue, which is only one of many issues that might serve for its realization. With or without Berlin, we face today, and shall continue to face for as long as we can foresee, the risk of a great nuclear war that it might not be altogether in our power to prevent. We accepted this risk with our eyes open when we decided, during the decade of our nuclear monopoly, not

to launch a war to prevent the Soviet Union (or any other power) from breaking that monopoly. We need not regret that choice now, for we could not have retained a shred of the moral dignity on which our civilization is based if, in cold blood, we had undertaken to slaughter the men, women and children of the Russian cities in order to keep their masters from catching up with us in weapons, and if we had then stood ready to practice something like nuclear genocide on any other

nation whose government threatened to do the same. The result would have been moral and political chaos; we would have become the object of the world's bitter hatred; and because our own people would have been restive under such a policy our government would finally have had to suppress their freedom, too, in order to make the policy good. It could not have practiced tyranny abroad only.

Once our monopoly had passed, the question whether nuclear weapons should be used in the making of war no longer rested with us alone. Any government that came to command such weapons could decide on its own when and how to use them. The risk that a nuclear war would be launched in spite of us became, then, an established feature of the international scene. What we have deliberately undertaken to do, in response to that risk, is to reduce it as much as possible by maintaining our own nuclear establishment as a threat of retaliation designed to deter the Soviet Union (or any other power) from initiating such a war. This is our policy and our position today.

In principle, there is a distinct alternative to this policy of nuclear deterrence for the prevention of nuclear war, an alternative that is particularly relevant to the problem of Berlin. It is to remove any occasion for resort to such war by acceding to whatever demands the power that threatens it may make. Thus if Moscow demands the surrender of West Berlin, threatening nuclear war otherwise, Berlin must be surrendered. If Moscow then demands the surrender of West Germany, West Germany must be surrendered – and so on. Here is an alternative policy that we should at least be willing to examine, the stakes being as high as they are.

Tomorrow the World?

The first thing to note about it is that it cannot be limited if it is to work. What would it profit us to surrender Berlin in order to exorcise the danger of nuclear war, only to have the danger arise again because we refused to surrender West Germany? (What did it profit the Western Allies to surrender the Rhineland, only to refuse the surrender of Poland?) Every surrender before the brandished nuclear threat weakens the credibility of the nuclear deterrent, making less hopeful any return to the former policy of dependence on it. For every such surrender shows a lack of will to maintain the deterrent posture, when the adversary presses his threat, that increases his reliance on it the next time. The alternative to deterrence, then, must be regarded as an irreversible policy of unlimited surrender. In effect, we might have to be prepared to surrender Washington, at last, as well as Berlin.

Still, if we are examining possible alternatives, we should not shrink from at least considering this. If the

Germanizing Berlin

I think we should say to Mr. Khrushchev: "We do not accept your right to break an international agreement. But, since you are acting unilaterally and announcing your intentions of turning over the responsibility of East Berlin and the access to West Berlin to the Pankow government, we will unilaterally turn over the administration and protection of West Berlin to the Bonn government. Furthermore, we will unilaterally withdraw all United States, British and French military garrisons from West Berlin and replace them with West German garrisons. The new West German garrisons of West Berlin would be regarded as directly linked to NATO and guaranteed by that alliance just as firmly as the present United States, British and French garrisons. Furthermore, we will unilaterally turn over to the West German government the control and safety of the land, canal, and air lanes leading to West Berlin, at present employed by American, British and French forces."

We should suggest to Moscow that, in order to reduce possible tension in the Berlin area, and also in order to more purely "Germanize" the administration of Berlin, the Soviet Union should agree to withdraw its own forces from a circular area perhaps 60 or 100 kilometers from the Brandenburg Gate. We could with justification point out to the Russians that this need not in any sense weaken their present security position in Eastern Europe and, at the same time, it would eliminate any possibility of the smallest ugly incident between Russian troops and West German troops, who have been built up by Soviet propaganda as the symbol of ugly "imperialist" intentions.

– C. L. SULZBERGER, *The New Republic*,
May 11, 1959

choice that I had to make was between such unlimited surrender and a nuclear war out of which a remnant of mankind would emerge to confront an environment that gave no hope for its future—if such were the choice before me I would not hesitate to choose unlimited surrender. A world governed by Moscow but essentially intact, its atmosphere still wholesome, would be a world in which the hopes of mankind had not been finally lost, even though they had been deferred to an indefinitely distant future. I would even choose such a surrender if the alternative before me, rather than being the certainty that man's hopes would be extinguished, were a substantial risk that they would—as long as I could be sure that the risk had been definitively averted by the surrender.

Could I, however, be sure of this?

The Carthaginians, having surrendered themselves to the Roman power, having made themselves helpless to avoid provoking it, and having trusted to Roman mercy when they had made themselves helpless, were thereupon exterminated by the Romans in cold blood. But the Romans themselves, and the other peoples, survived, and we may suppose that even if Moscow, given a like opportunity, did to us what Rome did to the Carthaginians, mankind would still survive. My answer, then, is that I could be sure that the risk of worldwide nuclear destruction would be averted by my choice of unlimited surrender on one condition: that the aftermath was an utterly docile mankind which could be counted on, in perpetuity, never to oppose any substantial resistance to the unlimited government of Moscow. The policy of unlimited surrender, in other words, would have to be perpetual. For Moscow could hardly govern all mankind indefinitely if it were not docile. Its worldwide empire would tend to break up. Perhaps its proconsul for South America would rebel and set up his own independent rule. Perhaps underground conspiracy against a universally despised Moscow would spread around the world and be impossible to cope with at last. Perhaps there would be palace revolutions inside the Kremlin, rendering Moscow impotent to maintain its worldwide rule while they lasted. Perhaps more than one person would gain the key, so to speak, to the nuclear arsenal.

It will not do to reply that, by retaining a monopoly of nuclear armament, Moscow could enforce its will even though mankind was not disposed to be docile. Nuclear weapons are poorly adapted to local police activities for a variety of reasons; to turn its empire into a desert by nuclear punishment would be a doubtful triumph for Moscow; and, in any case, I must here recall that it was to avoid such use of nuclear weapons that we made the original sacrifice of surrender.

Is it not evident that mankind is not docile by nature, and would not permanently become so even under the

threat of nuclear weapons? Our unlimited surrender would not lead to one peaceful world under the power of Moscow as its jailer. It would lead at last to conflict, perhaps among rival war-lords, each trying to capture the nuclear arsenal or to develop his own. The world would not be saved. What, then, do we do?

Stabilizing International Relations

Let me begin the constructive part of my argument, at this point, by suggesting a basic principle and its application to the problem of Berlin. The principle is that our best hopes depend on the progressive stabilization of international relations; and that, *per contra*, any degeneration toward chaos increases the danger by which those hopes are threatened. A preventive war during the period of our nuclear monopoly would have led toward chaos, and we therefore did well to reject it. An unlimited surrender today would lead toward chaos, and we must therefore reject it as well.

What, then, is the alternative?

In deciding, as we have, to stand firm at Berlin, we have taken what, in the long run, is surely the lesser risk, considerable as it may be. We have also, I submit, taken the only course that represents a substantial hope. That hope is for the progressive stabilization of the international situation. We may reasonably expect that, if we stand steady on the line of Berlin, not flinching from the danger, the effect will at last be sobering on a Moscow that shares our reasons for avoiding nuclear war and has, in fact, based its policy on the objective of avoiding one. If, then, the Berlin crisis is overcome peaceably in the face of our firmness, the Soviet leaders will have learned a lesson similar to the one taught them by our resistance in Korea. They will become cautious of gambles based on the expectation of Western softness. Just as surrender before the nuclear threat would encourage the repetition of its use, so the demonstration of our refusal to surrender before it would discourage such repetition.

The stakes are great both ways, not only in the possibilities of disaster but in what is hopeful as well. A successful resistance at Berlin would tend to produce a stabilization of the international situation accepted by Moscow. The balance of power would have been tested and found not susceptible of being upset. Having failed to upset it, Moscow would be constrained to turn, as an alternative, to a policy of coexistence that was not altogether meaningless. There might then be fruitful negotiation of particular difficulties between East and West, and the development of an understanding, perhaps largely tacit, of the limits within which each side, for the time being at least, would confine the expression of its rivalry.

At this point I must register a dissent from general

opinion by advancing my own view that we have reached a stage, today, at which the test of will must be completed before fruitful negotiation can begin. One cannot negotiate fruitfully under an overt threat of physical violence. If a man asks me for a concession as an act of grace I can make it with impunity, but if he threatens me with violence unless I make it I must refuse; for by giving way to his threat I would be exposing myself to its renewal in an unlimited course of blackmail. There are concessions we could make on the situation in Germany, once the guns were withdrawn, that we dare not make while they are pointed at us. We ought therefore defer any expectation of effective negotiation until the test of will, to which we are now committed, has been successfully resolved.

When the Darkness Lifts

And what then?

Then, perhaps, we can look forward to five years, to ten years, to an indefinite period of relative stability. Time thus gained should be all to the good. In such time, the effects of rising levels of education and living standards may make themselves increasingly felt in Russia, mitigating the crudeness of its politics and the harshness of its foreign behavior.

In such time, too, the internal problems of the present Communist empire will mount. The secular tendency in any such empire has always been toward fragmentation, and this tendency is reinforced, today, by nationalism. Already Moscow is no longer the sole center of the Communist empire. We have reason to believe that the centrifugal pull of the satellite peoples, constantly threatening chaos, is what has led it to create the Berlin crisis. It follows that we find ourselves concerned that a minimum stability be maintained within the Communist realm, as well as outside it, that there be no such rapid degeneration as would produce desperate acts and a chaos in which we were all engulfed.

If we master the coming test it may prove the last of its kind for the foreseeable future (as will not be the case if we give way). If we endure it standing firm, it may prove to be one of the great turning-points in history, like the successful stand of the defending Greeks against the Persians at Salamis, the stand which ushered in Greece's Golden Age. Then at last, when this test has been passed, we may emerge from the darkness of our present, like the Greeks in their time, to see before us a landscape in which hope again shines bright.

As I look at where we stand today I can see no other course; and though it holds so great a danger it holds not only that. For, "out of this nettle, danger, we pluck this flower, safety."

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THEATER

An Evening of Deja Vu

Happy Days opens, to the accompaniment of a clanging alarm bell and a blinding flash of white light, on a woman buried up to her breasts in a barren mound of earth. "Another heavenly day," she murmurs – stretches – and quickly intones a few snatches of half-forgotten prayer. Fumbling in the large handbag which contains all the

Happy Days
by Samuel Beckett
(Cherry Lane Theater)

essentials of her sorry existence, she proceeds to extract and examine, with laborious attention, the various articles of her toilet, as well as a parasol, a revolver, a nail-file, and a bottle of patent medicine. Having momentarily satisfied her pointless curiosity by finally deciphering the maker's guarantee on the handle of her toothbrush, she stops to affirm the wonder of life and the happiness of her days.

The name of this hopeful futilitarian is Winnie, and for the balance of this brief two-act work she chatters incessantly over such trifles, pitifully determined to invest that penal servitude which is her life with some semblance of interest – quoting fragments of "unforgettable lines" by English poets, peering into the audience to see if anyone is there, reflecting nostalgically on trivial events of the past, and, above all, trying to communicate with her uncommunicable husband, Willie, an ancient who passes the time sleeping in a hole behind her mound when he is not by her side (but just beyond her vision) mumbling over the want ads and obituaries in his yellowing newspaper. Willie and Winnie exist in a totally vacant world without diurnal distinctions – even to speak of "the end of the day" is to speak "in the old style" – where time seems both to have stopped and to be rushing madly forward, and where progress is measured only by the tedious-rapid advance towards dissolution, decay, and death. Thus, while Winnie is trying to kill time, time is

more successfully killing her: by the beginning of the second act, the earth has risen to her neck, rendering her completely paralyzed. In this condition, she half-cheerfully, half-desperately, awaits total interment, still attempting to amuse herself with memories and to bless even her most harrowing perceptions. Finally, Willie appears from behind the mound, crawling on all fours and dressed for a funeral, arthritically groping towards the revolver which lies up the mound by his wife's right ear. Failing in his efforts, he slips painfully down the mound, whimpering Winnie's name, while she – mistaking this attempt at suicide or murder as an act of affection – affirms, with a kind of hideous ecstasy, that "this is a happy day. This will have been another happy day." They remain immobilized, as the bells begin to ring with ominous frequency, and the curtain descends.

Happy Days is, of course, Samuel Beckett's latest dramatic comment on the irony, pathos, and chronic hopelessness of the human condition; and like all his work it is triumphantly *sui generis*. Yet, it strikes me, despite certain obvious felicities in the writing, as the least of his dramatic efforts. The language, enjoying none of that poetic intensity which so ennobled *Krapp* and *Godot*, is flat and prosaic; the symbols are almost nude in their unambiguousness; and those repetitions of which Beckett is so fond (successfully avoided only in *Krapp's Last Tape*) have finally become rather boring. Worst of all, Beckett has fallen into self-imitation, which is almost as serious as imitating others. His dramatic techniques, though they owe something to Maeterlinck, have always been extraordinarily compelling, but in *Happy Days*, these same techniques – by which I mean the abandonment of all anecdote, the manipulation of Bergsonian time, the static dream atmosphere, the use of two parallel days laid side by side, and the employment of a visual metaphor

to convey a spiritual feeling – are used almost mechanically, possessing neither variety nor intensity. Even the most striking thing in the play – the image of Winnie claimed by the earth (signifying how death is constantly claiming us all) – is only a visualization of that beautiful perception in *Godot*: "They give birth astride a grave, the light gleams an instant, then it's night once more. . . . The grave digger puts on the forceps." In short – and this is admittedly an odd complaint to lodge against a dramatist once thought to be the apostle of a mystery, murk, and meaninglessness – *Happy Days* is too predictable; so obvious, in fact, that I experienced the uncomfortable sensation, before the evening was five minutes old, that I had written the play myself and was none too pleased with my handiwork.

Alan Schneider's production is a perfectly competent rendering of the play – no more, no less. His interpretation is based on strict fidelity to Beckett's intention, but (though we must not underrate the directorial problems explicit in a play where the central character is literally rooted to the ground)

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it never transcends the basic requirements of the text to achieve an imaginative integrity of its own. Ruth White, as Winnie, has the stage practically to herself, and she never abuses her monopoly. She is a splendid actress, with a truly enviable range; but while she manages to sharpen all the tortuous twists of Winnie's shifting moods, I found her a little too much the pleasant Connecticut clubwoman to capture the timelessness and placelessness of the role. Her cries of despair ("My arms. My breasts. What arms? What breasts? Willie. What Willie?") are nevertheless heart-rending, and so is her Pollyanna cheeriness.

What of Beckett? He is obviously in a dilemma. Like Ionesco, he has a single, all-encompassing vision of existence which leads him to seek not new themes but new metaphors with

which to dramatize the same theme. But, again like Ionesco, he has so successfully persuaded us of the validity, coherence, and theatrical relevance of this vision that we are impatient when he repeats the lesson. Ionesco's recent work has exposed his severe limitations, and I doubt if he will ever be much more than a stunning secondary dramatist. But Beckett, with his superior power, beauty, and intelligence, has the capacity for greatness; and it is saddening to see him coast along on what he already knows. It remains to be seen whether Beckett will remain in the ditch or will develop in an entirely new direction. But whatever the future holds, his place in the drama is secure. In a world of the tenth-rate, even the minor work of this man is like an Orient pearl.

ROBERT BRUSTEIN

ART

Tiepolo's Work Drawings

The latest in the spectacular series of old master drawing shows in the National Gallery is one of Tiepolo, lent by the Victoria and Albert, London. The show maintains the tradition of extraordinary quality established by the

Drawings by Tiepolo

National Gallery, Washington, D. C.
through October 15
November - Worcester, Mass.
December - Houston
February - Los Angeles
March - Chicago

earlier drawing exhibitions and like them will travel about the country after the Washington run. Coming when it has, over the last six or seven years, this series of exhibitions may well be playing an important part in the general revival of sanity now going on in American art. In the American painting of the fifties, drawing was widely deprecated as an inhibiting and niggling survival of the old days. The series, initiated by the Smithsonian, has placed before the American public and particularly before younger artists

overwhelming evidence that drawing by the masters can be as expressive on a small sheet of paper in a handful of lines as any wall-size cardboard slopped with buckets of house-paint.

The Tiepolo drawings drive the point home. In the first place, they are beautiful things to see. The ground covered is the heart of Tiepolo's career, from 1725, when, at the age of 29, he had been established for a decade, to 1762, when he was just beginning his last major work, the throne room of Charles III at Madrid. The run of 135 drawings reveals at once the considerable native gifts which made Tiepolo an independent artist at 19. Light, the dazzling, golden light with which Tiepolo filled his skies and his patrons' ceilings, is present in the drawings in a

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few convincing squiggles for a nimbus or a sunburst, and in his instinctively effective use of wash to let light glow out of the paper itself in its untreated areas. He drew as easily in wash as in line and as easily in a hard, quick line as in a thick, soft line. He needed but a touch to set before you the whole reality of a god or an angel, a man, a horse, a goddess or a nymph. The drawings include the whole cast of characters from the great ceilings as well as the street types and fantastic figures that appear in the etchings.

It is important, too, that these are mostly work drawings. Tiepolo sketched plans for the ceilings and he sketched individual figures that should go into the plans. It is very rare that what we call a finished drawing appears in the work. He was a free-lance court painter, moving from his native Venice through the towns of north Italy, to Germany, to Spain, and his drawings were notes, memory aids, try-outs, not works of art. Art was what took place on the ceilings. Anyone at all familiar with any of the ceilings knows there was no loss of spontaneity when Tiepolo moved from paper and pen to fresco. No doubt the nature of fresco painting helped here: you have to work quickly or the stuff dries out before you've got it painted. At any rate the ceilings themselves display the same quick life that pulsates in the drawings.

In the ceilings, moreover, Tiepolo not only stooped to but gloried in a kind of large-scale illusionism that has lately been considered pretty frivolous. You never quite know, in any of the ceilings, where the paint leaves off and the architectural details begin. He painted in such details and he let his figures lean over the edge of what you think is their frame, almost as if they would shortly spill out. He made perspective completely his servant, didn't hesitate to change it several times in the course of a ceiling, and always made it work so that the viewer below thinks he is looking up into a scene based on air, even though a minute's geometrical calculation suffices to prove the whole thing visually impossible. Yet such was his command that we do not advert either to the impossibility of it or to the sheer skill of it; we are simply lifted up into it ourselves and even feel, for a moment and against

our wills, the true glory of 18th-Century absolutism.

This is the third great point about Tiepolo and his individual contribution to artists today, in the early sixties. He was a political painter in a way that very few of the old masters were. If you regard the Christian religion as nothing but clerical-fascism, no doubt you can say practically all the Renaissance painters were political, but the work itself doesn't support such a view. Rubens, to be sure, devoted much of his genius to the glory of Catherine de' Medici, but his own glory rests on many other supports. Tiepolo did a number of superb religious and historical paintings, but central to his work are the political ceilings. Without them he would still be a substantial artist; with them he is a great artist. The two supreme works are the frescoes at Würzburg, celebrating German imperialism in general and in particular the clerical-fascism of the Prince-Bishop, and the Madrid paintings, where the "Apotheosis of Spain" assuredly does not refer to anything but the corrupt police-state which Goya, a generation later, was to have his own troubles with.

Here then is not only political art but art of a political scheme now universally and justly discredited. And yet, the thing works. We do not think of absolutisms or of the idiocy of rulers who thought themselves the gift of God to God's people and vice versa. We think of glory and are lifted up, in heart, into those sunlit ceilings. The contemporary notion that political art based on a contradiction in terms is completely refuted.

The notion arose, apparently, from a triple disillusion with Communism. The Moscow purge trials and the Nazi-Soviet pact revealed Soviet baseness to many who had believed the claptrap about the prisoners of starvation being liberated. Secondly, official art itself turned out to be so hopeless except as low-level illustration. And third, some of the artists who had done political or social work in the early thirties found themselves persecuted for it in the late forties. These three disillusionings gave rise to the idea that politics and art cannot mix save to the destruction of art. Tiepolo effectively explodes this counter-illusion.

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